

THE MORAL STATUS OF ANIMALS WITHIN THE FRAMEWORK OF PETER SINGER'S PREFERENCE UTILITARIANISM

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DECLARAÇÕES

Declaro que esta dissertação é o resultado da minha investigação pessoal e independente. O seu conteúdo é original e todas as fontes consultadas estão devidamente mencionadas no texto, nas notas e na bibliografia.

A candidata,

Declaro que esta Dissertação se encontra em condições de ser apresentada a provas públicas.

A orientadora,

AGRADECIMENTOS

Quero transmitir a minha mais profunda gratidão a Cristina Beckert, Rafael Vieira, Silvio Varela Sousa ou Gan Eden e à minha mãe.

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RESUMO

O estatuto moral dos animais dentro do utilitarismo preferencial de Peter Singer

Andrea Richter

Na história da filosofia, a filosofia animal foi sempre filosofia antropológica em negativo, porque a questão do que é um animal foi substancialmente dependente da noção de humano e vice-versa. Desde o princípio da institucionalização da bioética e a publicação contemporânea do "Animal Liberation" - o elemento fundacional do debate e movimento actual quanto à emancipação animal - por Peter Singer, esta dicotomia tornou-se, particularmente, tanto significante quanto questionável. Na discussão dos denominados casos marginais, i.e. casos marginais de ser humano, como o estatuto do embrião ou pacientes em estado de coma irreversível, esta divisão binária é frequentemente empregue para suportar ou refutar argumentos, o que faz com que meditações quanto à bioética animal, uma questão importante no campo da ética biomédica.

Peter Singer, nos seus trabalhos "Animal Liberation" e "Practical Ethics", conseguiu confrontar as fundações do nosso sistema ético e também as nossas definições de animal e de humano, através dum argumento lógico e simples. Desde então, a sua teoria e as suas radicais implicações têm sido ferozmente disputadas. Infelizmente, uma grande parte da crítica consiste em citações fora de contexto, o que distorce a sua argumentação racional. O objectivo deste trabalho assenta na profunda análise e apresentação da fundação teórica da teoria de Singer sob consideração de crítica séria, com uma sintética introdução às teorias utilitaristas mais influentes para Singer e que antecedem a sua elaboração. Seguidamente investiga-se o exemplo prático da vivissecção na medicina humana, à qual a teoria do utilitarismo preferencial de Singer é aplicada, depois dos factos relevantes da pesquisa terem sido apresentados. Os resultados são de que o fundamento da sua teoria é logicamente consistente e de que o nosso tratamento dos animais tem a necessidade urgente de mudança em pensamento e prática, não apenas pelos animais, mas também para benefício humano.

PALAVRAS-CHAVE: Bioética, Animais, Peter Singer, Utilitarismo.

ABSTRACT

The moral status of animals within the framework of Peter Singer's preference
utilitarianism

Andrea Richter

In the history of philosophy, animal philosophy has always been philosophical anthropology from the negative, because the question of what is an animal, was substantially dependent on the notion of a human and vice versa. Ever since the beginnings of the institutionalization of bioethics and the contemporaneous publication of *Animal Liberation* -the foundational stone of the contemporary animal liberation debate and movement-by Peter Singer, this dichotomy has become both particularly significant and questionable. In the discussion of so called marginal cases, id est marginal cases of being human, like the status of embryos or patients in an irreversible coma, this binary division is often employed to support or refute arguments, which makes animal ethical meditations a highly important cross-cutting issue in the field of biomedical ethics.

In his works *Animal Liberation* and *Practical Ethics*, Peter Singer managed to challenge the foundations of our ethical system as well as our definitions of human and animal by a simple, logical argument. Ever since, his theory and its radical implications have been in a crossfire and fiercely disputed over. Unfortunately, a large part of this criticism consists of quotations torn out of context, which renders his rational argumentation distorted. The aim of this work lies in a thorough examination and presentation of the theoretical foundation of Singers theory under consideration of serious criticism, with a short introduction to the utilitarian theories most influential for Singer preceding these elaborations. This is followed by the investigation of the practical example of vivisection in human medicine, to which the preference utilitarian theory as developed by Singer is applied, after the relevant facts of the research have been presented. The results being, that the foundation of his theory is logically consistent in itself and that our treatment of animals is in urgent need of a change in thinking and practice, not just for the sake of the animals, but also to human benefit.

KEYWORDS: Bioethics, animals, Peter Singer, Utilitarianism

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Introduction

Over the course of the last 30 years, more has been disputed, discussed and published on the subject of “the animal” in philosophy, than in the 3000 years before. How is this possible?

Traditionally, the animal has been derided by philosophers from Aristotle to Wittgenstein. While Descartes determined animals as automata, Kant categorized them as “things” (Sachen). Until recently, philosophy largely dealt with questions surrounding the human, e.g. his position in the cosmos, his language, his knowledge, etc. In these discussions, the animal figured only peripherally, in the sense of a philosophical anthropology *ex negativo*, an anthropological self-assurance. The animal was regarded as an antonym to man and human was defined in distinction to the characterization of the animal and vice versa.

Since Darwin declared humans as descendants of the apes, this grounding started to crumble, so metaphysical explanations were increasingly employed to justify the special position of the human in the world.

In the last century though, technology and science achieved incredible progresses, both in theory and practice. Especially in the industrialized countries, this caused drastic changes in the living conditions of humans and animals alike, but the same processes that initially improved life, have been driven to reach such an enormity, that purpose and effect are either harmful or at least questionable.

E.g., it is not only possible anymore to heal a great deal of diseases which used to be deadly some time ago, but it is also possible to artificially keep an irreversibly damaged comatose patient alive for many years. It is also possible, to transfer an embryo cultured in-vitro to a woman's womb.

On the other hand, one can relieve a terminally ill and suffering individual wishing for the end, by helping him with this wish; a woman pregnant unintentionally, has the option to get a safe abortion.

Or to employ an example from another field: what once was the killing of animals for survival, is now an enormous killing industry for societies with a vast variety of other and better food available.

The emergence of these practices, required a new and thorough evaluation of the notions of “human” and “life”, which also made a careful valuation of “the animal” necessary, because if it is wrong to kill or let die insentient embryos or irreparably damaged comatose patients, then how can the gruesome killing of thousands of sentient and developed animals be morally unobjectionable?

In this context and in consideration of the latest scientific insights, animal ethical considerations quickly developed not just into an autonomous philosophical field, but became a crucial deciding point for the manner of justification in ethics itself.

It is precisely at this point, the subject of this thesis sets in.

The Australian philosopher Peter Singer recognized the necessity of a foundational and detailed examination of the fundamentals of our predominant ethical conceptions and inspired by some basic ideas of early utilitarian thinkers, developed a new grounding for a species encompassing and rationally justified moral system in his works *Animal Liberation* and *Practical Ethics*.

By this he didn't just provide a theoretical base for the animal liberation movement and debate, but also delivered a new approach in the self-conception of humans, by the means of a simple, logical argument, which stirred up a hornets' nest.

The aim of this work is to profoundly portray his ethical conception and examining the defensibility in a critical analysis. By applying the principle to a controversial, practical example, it will further be investigated, which implications this theory has on our life praxis and living environment.

Conclusively, a few observations and considerations will be made, in regard to the guiding character of moral theories in general.

In Chapter 1, the development of the utilitarian theory will be sketched out in its most important moments as relevant for Singer, to provide a theoretical background and base for his own continuation of the basic ideas.

At the beginning of Chapter 2, the aforementioned simple but deciding logical argument of Singer and its implications as deliberated by him will be introduced. Finally, a few subchapters will be dedicated to the discussion of some critical objections and questions.

Chapter 3 develops the groundings of his ethical theory as presented in Chapter 2 further and will deal extensively with the questions of killing, the value of life and moral statuses. Subsequently a few subchapters will be discussing Singers methods and results critically.

In Chapter 4 the theory will be applied to the practice of animal testing in human medicine. The choice for this specific subject is motivated by the fact, that this topic is still dealt with rather uncritical and is often neglected due to it's controversiality. Under consideration of scientific studies and publications of medical doctors discussing these issues, the most veritable picture as possible of the current praxis and the significance of these animal experiments will be portrayed. Consequently, by means of Singers theory, it will be examined whether this practice is morally sound.

Conclusively the investigations are followed by a few remarks and observations in regard to Singers theory and reception, as well as the reasons for moral thinking and acting in general.

The examination put forward in this work is relevant insofar, as it tests the defensibility and practicability of a modern, ethical concept adjusted to the present requirements and challenges, offering answers to urgent questions of our immediate living environment, by which the demanded but long overdue reforms have a sound, theoretical grounding that hopefully will allow us to see the desired changes in practice on a larger scale.

“Humanity's true moral test, its fundamental test, consists of its attitude towards those who are at its mercy: animals. And in this respect humankind has suffered a fundamental debacle, a debacle so fundamental that all others stem from it.”
-Milan Kundera

The moral status of animals within the framework of Peter Singer's preference utilitarianism

1. Introduction to the Utilitarian Ethical Theory

Since the outset of European philosophy, a variety of theories and concepts have twined around the notions of “happiness” and “pleasure”.

At origin, this term first came into use in the ancient world and originated in the classical Greek word of “εὐδαιμονία” - eudaimonia, which usually is translated as “happiness” or “pleasure”, although the literal translation is “to have a good demon/ a good spirit”. (Dunshirn, 2008:19)

During the ancient times, when Aristotle teleologically defined eudaimonia in the Nicomachean ethics as the highest good and highest aim, one understood this as the subjective well-being and welfare, as well as the objective success in putting one's goals into practice. (cf. Pauer-Studer 2003:280)

Considering these connotations, it becomes evident that a word like “happiness” or “pleasure” can not grasp the whole spectrum of eudaimonia and can only be used representatively and needs further definition.

It was in his dialog “Protagoras”, that Platon connected the idea of happiness and utility for the very first time and ever since the combination of these two ideas has appeared over the course of moral history, but they are explicitly linked to the ethical concepts usually referred to as “hedonistic” and “utilitarian”.

Only by the end of the 18th century, the theories around the relation between well-being and utility are subsumed under a concrete philosophical position, called “Utilitarianism”.

Jeremy Bentham is considered to be the founder of the utilitarian moral philosophy, which is later developed to the so-called classical utilitarianism by John Stuart Mill and Henry Sidgwick and therefore all three of them are usually mentioned as the founding fathers.

1.1. Jeremy Bentham

As early as the first page of his second essay “Fragment on Government” from the year 1776, Bentham has formulated what was later to become the central maxim of his ethical theory:

“It is the happiness of the greatest number, that is the measure of right and wrong”

The main task now, he writes, is an extensive and methodological investigation of this fundamental axiom. An undertaking, to which all his following writing was dedicated to.

In the tradition of the Enlightenment, he introduced his theoretical reflections initially with a basic outline of the nature of man, because prior to arrogating propositions for the reformation of social institutions, a comprehensive and sharp image of the beings which are supposed to benefit from it, is needed.

Works like the “Introduction to the principles of morals and legislation” (1780) and “A table of the springs of actions” (1815), correspondingly deal with a variety of motives for actions and represent the attempt to demonstrate that all of them can be reduced to two determinants: The maximization of pleasure and the avoidance of pain.

This is the basic hypothesis of the utilitarian principle, as he emphasizes in the “Introduction to the principles of morals and legislation”. Every being (human and non-human) is subjected to the mastery of pleasure and pain. They are the determining factors for any action, both in animals and in humans. (cf. Bentham, 1780:17)

He developed very extensive and elaborate lists of “springs of actions” and of the different kinds of pleasures and pain, which admittedly can be quite tiresome reading, but he thought that careful accounting of the different categories of pleasures and pains was absolutely necessary and precursory for a detailed construction of the utilitarian principle.

From the basic axiom he concluded, that “the greatest happiness of the greatest number”, was the logical objective of his moral theory.

The moral value of an action, is appointed according to its direct successions: An act is morally justified and legitimate, when the consequences of an action are of the greatest possible pleasure and smallest possible pain for all affected by it. (cf. Bentham,

1780:60)

Furthermore Bentham classified seven “circumstances”, which shall be of help to execute the calculus of utility. These circumstances are intensity, duration, security/stability, proximity, fruitfulness, purity and extend (id est, the sum of beings affected). He insisted on a simple arithmetic operation: The good or bad tendency of an action, which is in direct relation to the individual(s), shall be expressed over a numerical value (in terms of a scale for instance).

The sum of each good and bad tendencies of an action are compared and thereby the moral legitimacy or illegitimacy of an action is evaluated. (cf. Bentham, 1780:31)

Bentham might not have comprehended the obstacles and problems which inevitably open up with the construction of such a calculus in its full extend, but he explicitly indicated, that one can not expect, that this evaluating process can or should be strictly followed, every time one needs to make a moral evaluation. The utilitarian calculus should rather be regarded as the ideal model of rational deliberation, to which one should approximate him/herself as closely as possible. (cf. Bentham, 1780:33)

Interesting is – and hereby an important point in the distinction to other utilitarian ethical systems is already anticipated- that Bentham puts so much effort into creating lists, which exclusively deal with the quantitative varieties of forms of pleasure and pain.

For instance, he differentiates between fourteen different kinds of simple pleasures, like sensory experiences, wealth, faculties, etc. ,which for their part, get subcategorized anew into different sections. For example, the first category of simple pleasures “sensory experiences”, are divided further to taste, touch, smell, etc. (cf. Bentham, 1780:36)

Later on, in “A table of springs of actions” (1815), he extends the list even further and comes up with an even more detailed taxonomy of motives. However, these lists only emphasize the quantitative aspects, in contrast to both earlier and later utilitarian thinkers, who also attempted a qualitative distinction.

He never denied, that certain pleasures are more desirable than others, but he never regarded it as a logical necessity, that certain activities are more satisfying, because the intrinsic value of the pleasure is of a higher level.

The only criterium to be taken into account, was the proportion of each sum of pleasure or pain-bringing tendencies of an action, which were generated in accordance with the seven circumstances. (cf. Bentham, 1780:42)

A possible reason for the rejection of incorporating qualitative aspects, might have been an attempt, to prevent the creation of a gradient between “better” or “worse” beings, or rather: to avoid a possible formation of an “elite”. (cf. Scarre, 1996:76)

His determinate account of the human as a being subjected to the mastery of pain and pleasure however, is actually a problem for his moral motivation.

If the mastery over the beings is as absolute as he postulates, the field of application for “pure” and authentic moral actions is minimal or rather: inexistent. A try to break free from this determination is useless. Bentham in fact mentions, that pleasure and pain, do not only determine what we have to do, but actually indicate, what we are supposed to do. But it doesn't really make sense to say that we are supposed to do something, when we are determined to do it anyway. Aside from the fact, that moral content would be vanishingly low, if those two parameters really were the only moral imperatives.

Furthermore, it is not clear from these fundamental axioms, why the individual should show any interest in the general well-being of his fellow humans, after all, the objective is “the greatest happiness of the greatest number”, a formulation that includes the possibility of having to sacrifice the happiness of an individual, in order to gain the greatest happiness for the rest of the society.

It is quite conceivable and possible, that the happiness or well-being of a human lies in the maximization of pleasures and the avoidance of pain, but Bentham's psychology doesn't explain convincingly, why the individual should care for the greater good of all. (cf. Scarre, 1996:78)

His response to these doubts is not satisfying either: he simply says, that this interest is fueled by the hope, that people will in return, be benevolent towards him/her, aside from the fact, that it is pleasurable to give pleasure to somebody else. Obviously this doesn't lead out of the problems mentioned beforehand, as the egoistic interests are still the source of motivation.

What is remarkable about Bentham's theory, is that he tried to find rational and universal parameters for moral evaluation and establish a concrete theory, during a period in history, when morals rested on hazy and intangible “opinions”, which were

postulated without any coherent criteria.

Unfortunately he never explained, why the fundamentals of his principle of utility are different from other “opinions”, despite the hint, that they were derived from an allegedly well-thought out psychology of the human. That however is only the case, when we grant, that the shady assumption, that normative evaluations can be derived from descriptive ones, is right.

Further on, this theory breathes new life into the ethical discourse, as it applies to all sentient nature and not just humans. When the crucial characteristic which makes beings objects of morals, is the ability to suffer, then all sentient nature (id est, animals, as far as we know) is included per se.

Bentham points this out in his famous and much-cited quote, although he never investigated the actual questions in dispute, as of whether -and if yes, why- the same moral status has to be assigned to non-human animals as to humans and if not, to what extent we have to take them into account when dealing with moral issues.

With all of this however, Bentham laid out the basic plan for many successors, who would later take up on his ideas and elaborate them.

1.2. John Stuart Mill

For all his life, Mill had a rather ambivalent relationship with the Benthamite Utilitarianism. After being a fierce advocate of Bentham in his early years, he turned away from the utilitarian theory in 1830, only to cause a stir with a reformed and balanced version of the theory two decades later.

Mill strongly condemned Bentham's account of a human as a selfish creature as a twist of reality and a harmful if not dangerous doctrine. He did not deny that Bentham brought new impulses to the ethical thinking of that time, by introducing and advocating simple and understandable criteria for the moral evaluation of actions. Even though Mill did not consider his choice and reasoning adequate, he still distanced himself from the rather vague and foggy ideas of moral intuition, which were predominant at that time. One of the main reproaches Mills regarding Bentham's theory, was that the latter never thought of a human as able to pursue spiritual perfection and that a human could strive for a noble character as an end in itself, without his motives being reduced to the pain-pleasure dichotomy. (cf. Mill, 1838:95)

Mill stresses the importance of acquiring a noble character as an end in itself throughout his writings. This character of excellence is of a balanced disposition, one where intelligence, phantasy and love for the fellow human unite. The development of such a character, says Mill, is a safe way of making good, moral choices and contributing to the happiness of the greatest number.

He regarded it as a necessity for happiness, however not by the means of a mere instrument, but as a way of living that allows the experience of a deeper happiness and its exertion gives pleasure and happiness in itself. (cf. Mill, 1836:207)

The idea of acquiring a noble character as an end in itself however is a problematic one, as it might not be compatible with the utilitarian idea of the subordinate and final aim “happiness”.

The most significant modification of Bentham's theory is the inclusion of qualitative aspects into the process of moral evaluation. Through the distinction between so-called “higher” and “lower” pleasures, Mill hoped to invalidate the often formulated accusation, that the fixation of the utilitarian theory on the mere quantitative aspects of pain and pleasure creates a doctrine “only worthy of swines” (Mill 1861:210). Humans have more refined needs than solely “animalistic instincts” and therefore it seems inevitable to him, to incorporate a evaluation of the quality of the pleasures.

This expansion was inspired by the teachings of Epicurus , who already propagated that a satisfying human life, must include pleasures of the intellect, feelings, imagination and morals. (cf. Mill 1861:211)

Assigned to the lower pleasures are those, which do not demand the spirit and should only be exalted moderately, like taking sunbaths or eating. The higher pleasures accordingly are those, which claim the intellectual faculties a great deal. Reading of world literature or philosophical texts can be counted among those, like writing or reading poetry and listening to classical music.

Mill didn't specify his classification in more detail than this, but rather dedicated himself to the problem of finding suitable criteria for recognizing quality, which could be applied systematically.

He was of the opinion, that the qualitative distinction should orientate itself on the

preferred choice of a group of people, who are familiar and already have experienced the pleasures taken into consideration, as he believed that people, who have to decide between two pleasures and are familiar with both, will always choose the one of higher quality. (cf. Mill, 1836:211)

In the course of his considerations however, Mill never developed his one methodological theory of value, but rather derived the major part of his moral values from prevalent, conventional ideal of the educated middle-class.

This was due to Mills radical empirism, which was in opposition to the Whigs and Tories, the two predominant groupings in the british parliament. Mill and his followers radically distinguished themselves from them as a result of their recommendation of restructuring the social and political scene of britain by following the principles of reason only, whereas the Whigs and Tories lacked systematic policy and resented the radically rationalist ideas. Probably in accordance with James Mill's belief that the Whigs were "too imbued with aristocratic interests to be a true organ of democratic reform" (<http://www.iep.utm.edu/milljs/> 10.07.2011) Mill orientated himself on these standards. (cf. <http://www.iep.utm.edu/milljs/> 10.07.2011)

A few critics are of the opinion, that Mill already left strict utilitarianism by introducing the evaluation of the qualitative aspects, but the rather striking problem is that even though he widened the basis of evaluation, he didn't manage to solve the underlying problem, that probably not all forms of human pleasure and satisfaction can be reduced to the presence of pleasure and absence of pain, something which he was very aware of and clearly formulated as a problem in the middle of the period of his work. (cf. Scarre, 1996:94)

Also it seems quite disputable, what sense he saw in the distinction between higher and lower pleasures, insofar he never specified his reasons and thoughts in regard to that. Some thinkers speculate, they might have been developed in relation to the acquisition of the aforementioned noble character, but de facto he never associated the two.

It seems most likely, that he adopted this distinction in order to be able to incorporate a more adequate theory of human ends within the utilitarian theory, which, as he was well aware of, is not reducible to forms of pleasure only. Mill, in contrary to Bentham, did not believe, that the well-being of humans lied in the mere accumulation of pleasures and avoidance of pain.

For Mill, there are other valuable goals in life and happiness is in a sense, only a conceptual linkage to the many “pieces” happiness consists of. Spiritual or intellectual perfection, the “Noble character”, can be desired as ends in themselves, not only as a means to happiness, but as a part of it. (cf. Scarre 1996:138)

1.3. Henry Sidgwick

(cf. Scarre 1996:140 et seq)

Sidgwick was influenced by a variety of schools of moral thought, but never dedicated himself to one exclusively. His last, although slightly experimental position was strongly shaped by the utilitarian theory, even though he based his considerations on an intuitive account of moral knowledge, which in all likelihood, would have disconcerted Bentham and Mill.

One has to give him credit for his involvement in the problems of ethical theory, like the nature of motivation, the legitimation of first principles, the problem of egoism and more.

Utilitarianism, which he often equaled with universalistic hedonism, is defined by him as the theory, which execution is objectively right under all circumstances, when the consequence is the biggest general happiness, considering all beings affected by the action in question. (cf. Sidgwick, 1874:411)

As opposed to his predecessors, he grasped the severity of the problem of the compatibility between the principle of everybody pursuing the greatest happiness of all and the approach, that everybody is pursuing their own happiness. It was completely unintelligible to him, how two such contradictory approaches could have been summarized under one notion. (cf. 412)

Even though the universalistic and the psychological hedonism might exist side by side within the same theory, it was obvious to him that logically they could not be deducible from each other.

Sidgwick thought it wasn't particularly hard to acknowledge that the self-interest is inherent in the nature of man, but the character of human happiness urgently needs further investigation, especially in regard to the question, whether it ever is reasonable

for a human, to pursue the happiness of the fellow human. He agreed, that benevolent acts give a certain pleasure, but the central problem of finding a rational and reasonable reason, why one should put oneself out for somebody else, is not solved by that. (cf. 501)

He submits the utilitarian theory to a further modification, by establishing an intuitive basis as a solution to this problem, which is linked back to a kind of “common sense” account of morals.

Sidgwick was very well aware that this was against Mills and Bentham's intentions of making utilitarianism dependent on any kind of mystical and foggy “intuitions”, but he endeavored to come up with a rational proof of those “intuitions”.

For this purpose he suggested four conditions, which should ensure the sturdiness and elaborateness of the proposals.

This includes, that the suggestion for an action is clear and precise, that it's self-evidence is confirmed by means of careful reflection; that the proposals are compatible amongst themselves and that other people, who have understood the situation and the proposed course of action, agree and acknowledge the suggestions. The axioms should be inspired by “common morality” and the noteworthy amount of acknowledgement they get by moral agents of our age and civilization.

Since our everyday moral judgements and maxims often lack clarity and precision, philosophic contemplation is needed to refine them. (cf. 338-341) Sidgwick's self-evident maxims therefore are supposed to be the fundamental principles, which are subjected to the more specific maxims of common sense.

His list of these maxims is eclectic, including Kants principle of universalizability (“Act only according to that maxim by which you can at the same time will that it should become a universal law.”(Kant 1785:VII:51)) and Henry Mores and Samuel Clarkes “I ought not to prefer my own lesser good, to the greater good of another” (Sidgwick 1874:172,181) -a principle which unites both springs of action of man) as well as “If equals are added to equals the wholes are equal” and “As a rational being I am bound to aim at good generally” amongst other. Altogether he regards them as sufficient to defend and advocate a utilitarian approach to ethics that is neutral, universalistic and maximizing. (cf. Scarre, 1996:110)

Similar to Mill with his employment of the impartial, benevolent spectator, the moral focal point is ensued from a universal standpoint and not from an individual moral agent. It is precisely this drastic, impersonal perspective, which provides his

fundamental maxims which such strength.

If we are able to transcend our limited and subjective points of view, as Sidgwick thinks we are, then the only adequate approach to the good is its conduction. Just like any evil should be eliminated, irrespective to the place, time and way of occurrence, happiness should be promoted and spread, no matter if it is ones personal happiness or that of someone else.

In this way, Sidgwick's "self-evident" basic ethical principles, do distinguish oneself from the hazy "opinions", Mill and Bentham were fighting against, as he tries to give them a solid foundation.

Despite his extensive reflections, he fails to find a final conclusion, how the contradiction between the objective and subjective perspective (the interest in the well-being of other beings and ones own) is solved best. (cf. Scarre 1996:11 et seq.)

For many critics however, Sidgwick's theory is disappointing, as the strong link to the common morality takes the reformist and critical characteristic out of the utilitarian theory and instrumentalizes it, in order to prevent the rebellion against the already established moral standards.

Over the centuries the human wealth of experience developed rules, how to deal with certain situations and cases and Sidgwick was quite convinced that this process reached its perfection in the moral codex of the victorian england. However, it escaped him, that his own maximizing and utilitarian axioms weren't exactly in sync with the moral code in england during the 19th century.

1.4. Peter Singer

(cf. Singer, 1994:25-32)

In the first chapter of his book "Practical Ethics", Singer introduces the Utilitarian theory as the easiest possibility of a universal ethic and brings about a -according to himself- provisional argument for the foundation of his theory, based on utilitarian premisses.

The notion of "ethics", has always included the idea of something superior than the mere individual and from time immemorial, philosophers and moralists have often

operated with the idea, that the acceptable point of view for ethical behavior must be of universal character.

This finds expression in a variety of ways, in the old testament Moses already advises to grant the interests of other people the same importance as ones own; Kant formulated his categorical imperative and following this tradition Richard Hare concludes that universalizability is a logical token to any moral evaluation. Others, like Hume and Hutcheson for instance, appeal to an “impartial observer” for the evaluation of moral judgements and even moralists from other traditions, like Sartre and Habermas, agree, that ethic has to be universal in a certain way, and can not be legitimated only in regard to a specific or partial group.

Accordingly, acts motivated by ones own interest, need to be consistent with principles, that rest on a wider moral base and transcend ones personal likes and dislikes, to be morally acceptable.

In this emphasis of the universal character of ethical theory, Singer sees a convincing, even though not final justification for the taking up a utilitarian position.

By accepting, that the universalizability of a moral evaluation is necessary for its legitimacy and “rightness”, one also accepts , that ones own interests are not more important than those of other people, just because they are our own. So if one wants to act and think morally legitimate, one has to extend ones natural impetus of satisfying ones own needs, wishes, in short: interests, by including other peoples interests.

Consequently for Singer, the morally acceptable action is the action, that accommodates the interests of everyone involved the best. He modifies the classical utilitarian theory in so far, as he regards those actions as morally good, which do not, as in the classical formulation: maximize pleasure and minimize pain, but transfer this pattern to the impartial and maximal satisfaction of preferences (id est, Interests, wishes, needs, choices) of the beings affected by the actions and its consequences.

It is questionable, whether Bentham and Mill really only speak about the maximization of pleasure and the minimization of pain, in its limited literal sense, or if the categories of pleasure and pain did not include the wish for specific kinds of pleasure and pain. If not, one can not really speak of a shift of emphasis in the utilitarian theory of Singer. However, the rephrasing from “happiness” to “preferences”, brings along the advantage, that “happiness” no longer needs to be defined and set from outside. Broadly speaking, preferences and interests are those, which a person prefers, after evaluating all

relevant facts. This however only counts for persons, beings who don't have the facilities for this sort of evaluation and still are part of our moral play space, are in possession of a few universal, basic preferences (like the preference of staying alive and not suffering) which need to be respected. The precise theory Singer in this respect however shall be explained in detail at a later point in this text. (cf. Chapter 2 a. 3)

A few critics voiced, that the conclusion, that those actions are morally good, which maximize the interests of everyone affected, does not logically follow from the two premisses (universalistic reasoning for moral actions and equality of interests) and is just the utilitarian formulation, since the equal consideration of interests could also be easily interpreted as: all preferences of everyone affected must be taken into account equally. (cf. Wolf, 2004:45)

But it must be held against this, that when deliberating for a group, it usually is impossible to fulfill all preferences equally and that usually some sort of consensus or compromise must be found, which is the case in this utilitarian method, especially since it lays claim to be ethical system that is as universal as possible, and not an individual ethic.

In any case, Singer managed to answer the question as of why the utilitarian position is to be preferred in ethical issues the best so far, even though he is aware, that it is still of deficient character.

Singer also stresses, that it is both impossible and not advisable, to use this calculus for every action one is about to take and sympathizes in this regard with Sidgwick's and Hare's idea of a few, general "intuitive" rules, which should work as a common set of instructions. Especially Hare's distinction between intuitive moral thinking and critical moral reasoning, which Singer adopts as whole, is highly influential in dealing with this problem. According to him, daily moral thinking should rather be intuitive, as no one can ever anticipate and think of the whole bandwidth of possible consequences. Apart from that, one runs into the danger of being misled by predominant circumstances, like when we are affected by strong feelings of anger or sadness, or also if it's just not "in our nature" to think about the complicated consequences of an important choice. Singer may be very cautious with his formulation at this point, unlike Sidgwick, who openly suggested that it probably would be better to leave the task of careful moral evaluation to a small elite, as it could have very dangerous consequences if people whose reflective

capabilities are not sufficient for such sensitive tasks are in charge of doing so, (cf. Sidgwick 1874:490) but Singer certainly has a similar idea in mind.

The extensive and detailed moral evaluation shall rather only be exercised in the case of very difficult and extraordinary situations and problems and usually is not necessary in our every day life.

Those broadly defined instructions or principles should be, following Hare's suggestion, those that have been developed by humankind over the centuries and have proven to be the most beneficial. To these belong for instance the prohibition of killing, not hurting or harming somebody else on purpose, telling the truth, etc.

Wolf and a few other thinkers criticize, that it actually doesn't make much of a difference, whether we proceed on the assumption of happiness or satisfaction of preferences, because the problem of the utilitarian moral remains the same: individuals are only regarded as carriers of pleasures and interests and are not a limit to the actions of others anymore, but can be subjected or sacrificed to the total utility. (cf. Wolf, 2004:45)

This doesn't just contradict the basic ideas of Kant's theories, but also the "common morality", which operates on the assumption, that certain beings carry a certain value, due to specific characteristics, which has to be respected. Singer's response to this accusation however shall be examined further in the following chapters.

2. The ethical principle of equality

(cf. Singer 1994:20 et seq)

In 1792 Mary Wollstonecraft published her work *Vindication of the rights of women*, one of the earliest works of feminist philosophy, in which she argues, that women are not inferior to men, due to an inherent deficiency of mind, but appear to be because they have been denied access to education and have been indoctrinated from an early age, that the task of their lives is to look beautiful and serve their men obediently. Women, she says, can achieve much more than that, if they are not reduced to their appearance and denied possibilities, that would allow them to flourish in all fields. Her suggestion is, that both men and women alike, should be treated as moral and rational equals and imagines a new social order based on these deliberations.

Wollstonecraft's ideas were widely regarded as absurd and laughable and received with ridicule by the public, peaking in the anonymous publication of a parody entitled *A Vindication of the rights of brutes*. The author of this satirical piece, the actually well-acclaimed Cambridge philosopher Thomas Taylor, tried to invalidate her arguments by demonstrating how the very same arguments, in logical consequence, would also give rights to brutes like dogs, pigs and horses. An idea, that was regarded as irrefutably and downright preposterous. Thus, her argumentation, that led to this absurd conclusion must be unreasonable, and when it is unreasonable in the application to animals, then it must be just as unreasonable in application to women. (cf. Singer 1994:27; Taylor 1792)

The assumed invalidation of the argument on the behalf of Taylor set aside for now, this poses to be only one example of many, looking back on the developments of our societies over the last few centuries. Many of our perspectives, now regarded as moral standards, have once been ideas that were belittled, ridiculed and deemed absurd, when thinkers began voicing them.

Slavery once was believed to be unabolishable. Blacks and Jews, among many others, were regarded as an inferior race. Homosexuals were seen as severely mentally ill.

People with disabilities had the status of second-class citizens.

Thanks to the untiring efforts of the respective liberation movements, demanding the elimination of prejudice and discrimination and their vehement fight for equality under

the law and in the minds of people, a change in perspective and practice has been successfully achieved.

A liberation movement requires and urges us to take off the blinders and expand our horizons. It demands us to rethink and reevaluate our beliefs and to reinterpret and adjust our moral principles.

The perspective and moral principle that needed to undergo this transformation in the fight of the Blacks, the homosexuals, the disabled and the women alike, was the principle of equality.

It was claimed to let go of prejudice and discrimination based on arbitrary characteristics, like ethnicity, sex, sexual orientation and bodily capabilities and regard all of them as equal humans in perspective and practice.

2.1. All humans are equal

(cf. Singer 1994:27 et seq; Singer 1996:33 et seq. unless indicated otherwise)

The equality of all humans is a keystone of human rights and a concept crucial to the public policy of society nowadays. But what exactly is intended to be said and what can legitimately be said when one claims, that all humans are equal?

Humans come in all sizes, shapes and colors, with different talents, different IQ's and different ways of thinking and working. It is strikingly obvious that they are far from being equal to each other, considering these parameters, but still there must be a satisfying base for the principle, that all of these humans are equal, despite the obvious differences and why it is wrong, to repress, harm or hinder people based on such factual differences like their sex, the color of their skin or their result on an IQ test.

On the one hand, it is precisely this diversity, that makes it “wrong” to have preconceptions about certain groups of people. People differ as individuals, not as ethnical groups or depending on their sex. The fact that a person is black or a person is female, doesn't indicate anything about their faculties and it is unjust to discriminate a person based on these features.

This defense alone however, is not sufficient to defend the equality of all humans in principle.

If we imagine a society, that divides all its members based on whether their IQ is higher

or lower than 100 and would subsequently make all those with scores below the mark to second class citizens subjected to those with IQs higher than that, the discrimination would be based on the actual faculties of the individual and still be wrong.

The second reason why advocates of the equality of all humans should not be based on any kind of factual equality is, that we really can not say with all certainty that it is true, that the faculties of a person are independent of their sex and ethnicity. As there are measurable differences between the ethnic groups and the sexes in general -which don't apply to the individual but only the statistical average- we can not say for sure, if these differences are caused by external factors like decades of discrimination, poverty, bad schools and other circumstances or if there is in fact a genetical factor that might cause a disposition. If it was ever proven that there is a genetical connection to the faculties, the argument for equality based on factual equalities would be invalid.

Therefore Singer demands that equality is independent of intelligence, physical capabilities, moral faculties, ethnicity or sex. He emphasizes:

“The principle of equality is a moral idea and not a simple assertion of fact, There is no logically compelling reason for assuming, that a factual difference in ability between two people justifies any difference in the amount of consideration we give to satisfying their needs and interest.” (Singer 1994:32)

This becomes clear in consideration of his claim of universalization of moral judgements (see Chapter 1.4.): When a moral evaluation is made, it has to exceed a personal or particular point of view and take into account the interests of everyone involved and consider them equally, irrespective to the carrier of these interests. Thus, the principle of equal consideration of interests, is a direct and fundamental form of the principle of equality.

What this amounts to, is that in the moral evaluation of an action, we must take into account the interests of everyone affected by the action and give these interests equal importance.

It mustn't have any influence on the consideration, who has the interest in question, nor shall any other characteristic like certain faculties, sex, ethnicity, etc. play a role in the evaluation.

The fundamental element, that all interests must be considered equally, no matter what these interests are and who has them, must be applied to all moral evaluation for the results to be impartial, just and morally sound.

The prerequisite for the application of the principle of equality, is that the interests of the parties concerned are known. These interest will inevitably vary a great deal, according to the faculties and other characteristics of the individuals, which leads to another very important and often misinterpreted point: what the principle of equality and the principle of equal consideration of interests doesn't imply, is equal treatment. Where the equal consideration of different interests will lead us, depends on the interests and characteristics of those involved. For instance, if we have a math class of which half of the children are mathematically extraordinarily talented, while the others are not, we might consider splitting the class and teaching the mathematically extraordinarily talented higher mathematics to support and develop their faculties while the other children receive the regular education, as it would be harmful and counterproductive to teach the kids without this precise talent higher mathematics, while it would be just as harmful and counterproductive to teach the kids with these special faculties regular maths.

If we think of the women's liberation movement for instance, many feminist believe that women should have the right to have an abortion on request. But should these women who fight for equality between men and women, also request that men have the right to have an abortion themselves, in terms of equality between the sexes? Obviously not, as a right to an abortion only makes sense if you can actually conceive children. (cf. Kuhse ed. 2002:81)

Equality doesn't imply that we must treat everyone exactly the same way or give them the same rights. We “treat” them equally, by considering their interests equally, the actions that follow however, are not necessarily the same.

Some might say, that the equal consideration of interests consequently leads to non-egalitarian results.

In fact, in special cases controversial non-egalitarian results might occur, when applying the principle of equal consideration, in which the difference between two agents is increased. Singer employs an example of two injured people, where person A has lost one leg and might loose another toe on the remaining foot when left untreated and Person B has an injured leg, but will loose it, if left untreated. There is only enough medication to treat a single person. If we apply the utilitarian calculus, we must arrive to

the conclusion, that saving one leg does more good than saving one toe, even if it is the toe on the only remaining leg and therefore the medication goes to the less injured person, with the irritating result, that the difference between the two is not reduced, but increased. However, the unequal treatment really is an attempt to achieve a result, that is exceedingly egalitarian.

In this respect Singer says, that he understands the principle of equality as a “minimal principal” of equality, rather than a radically egalitarian one, which would hardly be arguable.

Singer's conclusion is, that fundamental principle of equality, on which the equality of all humans is based, is the principle of equal consideration of interests. Only a basic principle of this kind, allows us to advocate an equality, that encompasses all human beings, despite their individual differences. (cf. Singer 1996:82)

2.2.Sentience and moral consideration

(cf. Singer 1996:82-90, Singer 1994:36-49 unless indicated otherwise)

Singer now sets the next step in the construction of his ethical theory. He claims, that if we accept the principle of equality as a reasonable moral base for our relations to members of our own species, we are equally obliged to accept it as a reasonable moral base for our relations to members of other species. The principle of equal consideration of interests, doesn't only condemn racism and sexism as morally indefensible, but also the disregard of the interests of other beings.

Following Jeremy Bentham's idea of the morally determining dichotomy of pleasure and pain, that makes the ability to suffer or feel pleasure (if only as absence of pain) the both necessary and sufficient characteristic that entitles a being, that would be affected by an action, to be considered in the moral evaluation of this action. This ability to suffer is not another arbitrary criterium like race, sex or IQ, as Singer defines more precisely, but rather a clear and plausible indicator, which beings do not fall into the sphere of moral consideration and which do. The logical and simple reason being, that entities that are not sentient can not have any interests. The ability to suffer is the basic prerequisite to reasonably speak of interests.

It is unreasonable to say, that a stone has any interest, not to be kicked around by a child. Nothing we could possibly do to the stone, has any effect on its welfare, as it can not feel any pain.

A mouse however has a very strong interest not to be kicked around, as it would be suffering from the maltreatment.

There is no moral justification that would excuse the disregard of the interest not to suffer.

It doesn't matter what the nature of a being is, the suffering of one being counts just as much as the suffering of any other being.

If an entity is not able to experience pain and pleasure (if only as absence of pain), then there is nothing to be taken into consideration. This is why Singer sees the sentience of a being (sentience as a shortcut to express the ability of feeling pain and pleasure) as the only sustainable borderline for the consideration of interest of all beings.

By setting the ability to suffer as the essential criterium for moral consideration, Singer succeeds to define a parameter, which both meets the requirement of universalizability and reasonably answers the question, on what ground to build the concept of equality. Furthermore, he doesn't run into the problem of having to define a minimum and/or maximum level of the ability (as would be the case with faculties like intelligence, moral personality, etc.) since it includes both of it in itself and we can not seriously arrogate to measure or evaluate (the qualitative character of) different kinds of sufferings, meaning, we can not tell if a cat or a human feels more pain, when they get an injection. As Singer acknowledges, in some cases, a human can suffer more in the sense, that he knows that he is going to get an injection beforehand and might be terribly scared, which increases his suffering, whereas a cat probably doesn't know that. However, for the same reason, a cat might be more scared when left by her people at the veterinary for a surgical procedure, than a human who knows that he is in hospital only temporarily. The consciousness of ones own situation can certainly play a great role in the amount of suffering of a being, for instance, in the case of a terminal disease. A grown up person will be far more worried and scared by his condition than a child of 5 years of age with the same clinical picture, as he understands the concept of death completely differently, than a child at that age. But that doesn't mean, we should care less about the sufferings of the child, or of the cat for that matter, because when a being

suffers, there is no moral legitimization, to ignore that suffering. According to the situation and the individual characteristics, we might have to treat or deal with them differently, but the consideration of their interests must be the same.

One might object, that it is not possible to compare the sufferings of different species and the equal consideration of interests can not be effective in case of a conflict between humans and animals.

Singer counters this by pointing out, that the same can be said of humans. He acknowledges that it is not possible to make exact intersubjective comparisons but he doesn't deem this necessary. The rough comparisons that can be made, allow a moral evaluation and the principle of equal consideration of interests consequently demands us to take the interests of the animals into account in our decision making.

2.3. Equality of human and non-human animals

(cf. Singer 1996:102-110 unless indicated otherwise)

By his very simple, yet logical argument, Singer challenges our understanding of the equality of humans and forces us to rethink the foundation of our moral standards.

In analogy to racism and sexism, Singer now coins the term “speciesism”, originally invented by british psychologist Richard Ryder in 1973, once and for all as describing the prejudice or an attitude of preconception in favor of members of ones own species and against the members of other species. (Singer 1996:35)

Just like between humans, there are noticeable differences amongst animals and even greater ones, between human and non-human beings. The existence of an abyss between humans and animals has been a dogma in the western civilization for centuries, but this belief started crumbling, when Darwin discovered that humans are of animal origin. By now we know that human and ape DNA matches 98,5%, but still many find it difficult to accept, that the differences between humans and animals are only gradual and not principal. There have been attempts to justify a dividing line between humans and animals with claims that only humans use and create tools or that only humans use language, but all of these claims have been refuted. Chimps have been observed to use and create animals themselves, just like they have been taught, along with gorillas, to

use sign language and latest research revealed, that whales and dolphins do not only have a complex language system themselves, but even have individual names.

But even if these attempts to create a dividing line had been consistent with the facts, they would not have been morally significant, as they are just as arbitrary as the result of an IQ test. Philosophers claimed animals are not rational beings, the way humans are, because they lack reason and self-consciousness just as much as an idea of their spatio-temporal setting. Their claim was that autonomous, self-conscious beings were morally more significant and valuable than entities, that were deficient in these categories and in accordance with this approach, the interests of autonomous and self-conscious beings generally should be given more importance.

Whether all animals really lack these capabilities shall be explored in chapter 3 of this work, at the given moment, the focal point is the application of the equal consideration of interests.

In fact, the claim that interest of self-conscious beings are entitled to priority actually is in accordance with the principle of equal consideration, however only in the following circumstances:

when something that happens to a self-conscious being, goes directly against their interests, whereas similar events, do not go against the interests of beings, that are not self-conscious. Meaning, that self-conscious entities have a wider understanding of what is happening and can see the result in an overall context of a longer duration, which might conflict with other interests,

However, it is not clear, why self-conscious life should generally or as a rule, be given priority, even in cases, in which the presence of self-consciousness is not touched by the nature of the interests to be evaluated. In such scenarios, it is just as arbitrary to employ self-consciousness as a criterium, as it would be to employ the criterium of biological sex. Again, interest are interests and to be taken into consideration equally, regardless if the carrier of these interests is human or non-human, self-conscious or not.

As Singer points out, there is another argument as of why self-consciousness or autonomy of a being is not a suitable criterium for a dividing line between humans and animals:

There are mentally disabled humans, of whom one can not reasonably say, that they are self-conscious and autonomous. If one really aims at creating an abyss between humans and animals, then those people would rather be regarded as animals and most people

would be-understandably- nauseated by the thought of using mentally disabled people to conduct painful experiments or to slaughter them for their meat.

There are various objections at hand regarding this argument and in order to clarify Singers position and his aims, they shall be discussed here.

The first objection can be kept short, as it is the suggestion, to treat mentally disabled people who do not possess the faculties necessary for the distinction between humans and animals, as if they had those faculties, because they belong to a species, that normally posses these capabilities.

This would basically amount to a principle comparable to this one: studies have shown, that averagely, the IQ of people of asian decent is higher than the average IQ's of people of european descent and those are higher than the average IQ's of people of african descent. (Hernstein 1994:400)

Would it be right to prefer the interests of any asian, regardless of his actual faculties, over the interests of either a white or black person, that might even be much smarter than the asian individual, only because he belongs to an ethnic group that averagely has slightly higher IQ's? As has been refuted earlier, no, this would be unjust and discriminatory, as people differ as individuals and not ethnical groups. Therefore this argument is not sustainable, as the affinity to a certain species is just as irrelevant as the affinity to a certain ethnical group.

The second objection to Singers argument, is that mentally disabled people, even though they might not possess higher faculties than some animals, still are humans and as such we maintain a special relationship with them, that we do not have with animals. Supposedly, the dangerous part about elimination of partial likings is, that it could diminish all liking at all.

According to Singer, this argument connects morality to our feelings to strongly. Obviously some people can have a closer relationship to a mentally disabled human than to any animal and it would be absolutely absurd to say, they shouldn't feel that way. Taken for itself, the fact that they feel that way, is neither good nor bad. The questionable aspect about it is whether our moral duties should be dependent on these feelings like that. Ethical reasoning doesn't demand us to eliminate personal

relationships or partial feelings, but rather to evaluate the moral claims of those affected by an action we might undertake, independently of these possible feelings of partiality.

The third and last objection to be discussed, is the so-called slippery slope argument, which implies, that once we have set foot on the slope, we slip further than we intended to. Once we have allowed, that the moral status of a mentally disabled human is the same as the moral status of an animal, we are already about to slip even further down the slope, next step being the withdrawal of rights of the social non-conformists and quickly we end up in a totalitarian system.

Singer argues that this can often be a valuable warning, but really it is nothing more than a possibility and the mere chance that the principles on which the attempt of putting proper order into the circumstances, that allow to completely disregard the interests of billions of sentient beings, is misused by malevolent rulers, should not keep us from doing what's right.

Furthermore, other morally arbitrary dividing lines are nowhere near as safe, as those that can be reasonably and fundamentally defended.

It is important to emphasize, that Singer doesn't aim at lowering the status of humans in any way. The change he suggests, doesn't imply any difference in the treatment of humans, on the contrary, it might even be of benefit to them.

He is not suggesting, to conduct any experiments on mentally disabled people, he would rather like to achieve, that our conviction that it is unjustifiable to carry out experiments or slaughter mentally disabled people, is extended to beings that are on a similar level of self-consciousness and the ability to suffer. Thus, raising the status of the animals, not lowering the status of humans (the mentally disabled included).

The principle of equality applied to animals, is a raise in their status to that of the humans, as far as the equal consideration of interests is concerned.

If a being is suffering, there simply isn't any morally legitimate excuse to disregard or overlook this suffering. It doesn't matter, what the nature of this being is, whether it has two or four legs, whether it has fur, feathers or skin, as the principle of equality demands that the suffering of one being counts just as much as the (as far as we are able to tell) the same suffering of another creature.

2.4. Animal pain

(cf. Singer 1996:99et seq. unless indicated otherwise)

The idea that animals don't feel pain the way humans do is often traced back to René Descartes who regarded animals as mere automata without sentience and consciousness and explained their behavior in purely mechanistic terms. While scientists largely agree that at least vertebrates can feel pain (chordates with backbones and spinal columns, like jawless fish, bony fishes, sharks, rays, amphibians, reptiles, mammals and birds) (Baillie, et al. 2004:21), some philosophers surprisingly still show a certain reluctance when it comes to the matter of animal pain. Strictly speaking, they claim, we can not be sure of what animals experience and in what way, arguing that what we observe in them can not be compared to our experience of pain.(cf. Frey 1980, also Harrison 1991:25-40)

This might be true in the proper meaning of the word, we can only assume that their pain often is similar to ours, but theoretically we can not even know how and if another human feels pain.

Pain is a state of consciousness, a psychical event, that can never be observed as what it is, but only assumed by outer manifestation as Singer illustrates in an example about his daughter. We can tell that animals feel pain, just like we can tell that infants (or people with certain disabilities, that don't allow them to express themselves verbally) feel pain. When a child falls down and hurts its knee, we can see that the child is experiencing pain by the reaction that follows. It will probably start crying if not screaming, it may walk with a limp, maybe point to his wound and generally just find a way to express his feelings in an unmistakeable way, even if it can not actually verbalize it. By this behavior we immediately understand, that the child must be feeling something very similar to what we feel, when we fall down and hurt our knee, even though we may not show it as openly and uninhibited as a child does. (Singer 1994:99)

We can tell that animals feel pain by the same pattern. When a dog curiously tries to sniffle at the flame of a candle and burns himself, he will yelp and immediately withdraw himself from the candle, whimpering and trying to relieve the pain by burying his nose in a cushion or his paws or licking it frantically. If we think of how we react, when we burn ourselves, the similarity between the reactions is evident. We will probably exclaim something expressing our pain, let go or withdraw ourselves from the

hot object and do something to relieve our pain, like pressing the burnt part with our hands or holding it under cold water.

Especially in vertebrates we can observe the same signs and indications, that lead us to assume that humans are in pain. Those are convulsing, contortion of ones face, yelping, crying, screaming, attempt to escape the source of the pain, signs of terror when threatened with repetition of the painful situation and many more.

To substantiate what one can observe from the behaviors of both humans and non-human animals in pain, we have to refer to the fact, that the nervous system of all vertebrates and especially birds and mammals essentially is the same. The parts of the human nervous system, that are related to the ability to feel pain, are quite old, looked at from an evolutionary perspective. (Singer 1994:100)

This is likely to be founded in the evolutionary and biological necessity for pain: it functions as a warning system to avoid danger that is potentially life threatening. No species could have survived, without this warning system. As Frey puts it: No higher living being without pain- but without pain no higher living. (cf. Frey 1978:7, Serjeant 1970:56-62)

The cerebral cortex, in contrast to the basic nervous system, only started developing after our ancestors seceded from the other mammals. The basic nervous system had already been developed in more remote ancestors and we share it with all other “higher” living beings. This anatomic parallel gives us another reason to believe, that the sentience of animals is similar to ours. There is no evidence, neither of scientific nor philosophical nature, that would prove that higher animals can not feel pain. If one doesn't doubt that other humans can feel pain, there is no reason to doubt that some animals can feel pain. (Singer 1994:100)

The situation is different for invertebrates. While latest research suggest that both decapod crustaceans (crabs, lobsters) and cephalopods (octopuses) can experience pain, as their bodies contain the neurochemical opioids, which are responsible for moderating pain in vertebrates (cf. Elwood et al. 2009:1243-1246; Sherwin 2001:102) it is questionable in most insects, worms and echinoderms (sea cucumber, starfish) (cf. Eisenmann et al. 1984:164). There are known cases, like the common fruitfly (cf. Tracey 2003:261-273) that indicate the ability of experiencing pain, but no certain statements can be made as of now.

Regarding plants and fungi, science can only give an answer in regard to the current state of knowledge, as their structure is not comparable to any of the known systems that are believed to allow the experience of pain, but it seems unlikely. (cf. Horowitz et al. 1975:78-480)

Singer's argumentation for existence of pain in animals is based on a projective experience. We use this projection for understanding both human and animal pain, but the "imaginative simulation" is not a substitution of somebody else's pain with my own, but only a mode of putting oneself in the position of another. Therefore it can not be objected, that one is stepping into the trap of anthropomorphic projection, when employing this method. (cf. Beckert 2003:58 et seq.) Looking at the experience of pain in animals this way and consulting the scientific evidence, it seems legitimate to assume, that the aforementioned animals are indeed capable of suffering.

2.5. Objections and clarifications

2.5.1. Universalizability and Impartiality

(cf. Schaler 2002:395-427 unless indicated otherwise)

Following Anne Maclean's and Klaus Steigleder's critique of Singer's concept of equal consideration of interests, Marcus Düwell assesses a "fundamental ambiguity in the notion of impartiality". Since Singer takes impartiality and universalizability to be characteristics of the concept of morality itself, this merely means, that the standards which underlie moral judgements and we refer to in order to justify judgements have to be generalizable, which however doesn't imply equality in the sense of a moral criterion yet, as the content of these standards are still undetermined. Therefore, even if we accept that morality implies generalizability and impartiality, we can still suggest moral obligations that are group-specific and non-egalitarian. Answering the question, what separates moral judgements from other judgements, Singer is quoted that "moral standpoints can not be justified in relation to any particular or sectional group (...) and must be in some sense universal" Düwell then gives the example, that parents are morally obliged to take care of their children and do so in a special way, meaning, preferring them over other children, a standpoint which can be universalized and applied to all parents. By this example he means to illustrate, that even very non-egalitarian concepts of morality can be universalized and therefore, even if one regards

universalizability and impartiality to be a general characteristic of the concept of morality, the content of these universalized moral standpoints, are not justified moral standpoints per se.

This critique was first voiced in 1977 by J.L. Mackie, in arguing against Richard Hare's use of universalizability in ethics. He too, pointed out, that the universalizability is compatible with many moral standpoints, even highly incommensurate ones. However, if the description of this universal element is constructed so it inevitably leads to a particular ethical theory, one is smuggling one's own ethical standpoints into the definition of the ethical, a definition, which was supposed to be broad enough, to encompass all serious candidates for the status of ethical theory.

Singer is well aware of this trap and points to his formulation in PE, where he was trying to make it clear, that he was not excluding non-utilitarian moral principles and elucidating, what he thinks the universal aspect of ethics does show:

“What does this show? It does not show that that utilitarianism can be deduced from the universal aspects of ethics. There are other ethical ideals (...) that are universal in the required sense and are, at least in some versions, incompatible with utilitarianism.”

(Singer 1996:12)

and

“The utilitarian position is a minimal one, a first base that we reach by universalizing self-interested decision making. We cannot, if we are to think ethically, refuse to take this step. If we are to be persuaded that we should go beyond utilitarianism and accept non-utilitarian moral rules or ideals, we need to be provided with good reasons for taking this further step. Until such reasons are produced, we have some grounds for remaining utilitarians.” (Singer 1996:14)

Singer does not simply assume that the principle of equal consideration of interests is correct and deduces his conclusions from that. It is merely a point to begin with and over the course of the book he investigates other moral points of view and argues that they are untenable. He only claims, that when thinking or acting morally, one's very own interest can not be given more importance, just because they are one's own, than to the interests of others. Singer is referring to people with a “normal concern” for their interests, who, when they accept universalizability, will give the same amount of

concern to the interests of others as they do to their own. His equal consideration of interests, therefore is is mainly a basic or default position, that forms, when universalizability is applied to the strongest motive in human action, self-interest. Obviously this can also be compatible with giving no importance to anyones interest including ones own, and can also be compatible a single ethical principle overriding everybody's interests. But, according to Singer, no one would so unless there are very good reasons to that.

As for Düwells example, that parents have special duties in regard of taking care of their offspring by bringing them up in an affectionate, loving environment that puts greater importance to the interests of their own children than on others, which, according to Düwell is an example demonstrating a non-egalitarian principle that intuition would still hold as “good” and is employed to contradict Singers theory, Singer argues that an impartial defense of this principle is very well possible. Since it is known that being raised in a loving environment is to the advantage of children in every condition of life (examples of efforts of bringing up kids collectively like in the kibbutzim in Israel support this view) and the fundamental idea of parenthood and parental love is preferring the interests of one's own children, Singer says we have to accept this non-egalitarian treatment in order to acquire the advantages of raising children this way. The parents may not be acting in direct accordance with the principle of equality, but it doesn't violate it either. If the facts are as indicated, the greater benefit will come from a non-egalitarian treatment in this group-specific case.

Needless to say, that there are other group-specific arrangements, of which no such defense can be given. For instance, if parents were to give absolute priority to the preferences of their children over any other, then this treatment would clearly not be compatible with the concept of equality, but also there doesn't seem to be any good reason to believe, that such a principle should be accepted. Other group-specific arrangements always need their seperate justification and as Singer believes, the most plausible candidates will always be those in accordance with the equal consideration of interests. He suggests to compare “I should help my fellow citizens before I help anyone else” with “I should help people of my race before anyone else”. Both of these principles are far from being self-evident and therefore should not be accepted without further arguments. While there doesn't seem to be any justification for preferring helping people of ones own race over any other, there might be some arguments

demonstrating a special commitment to members of one's own local community, like being a part of a communal reciprocity, that are worth serious consideration. Singer concludes:

"My view is that only those principles that appeal to the equal consideration of interests are at all persuasive. But this isn't an a priori claim derived from any view about the nature of morality. It is the outcome of an examination of the merits of each argument."
(Schaler 2002:424)

2.5.2. Ethics and mutuality

(cf. Singer 1996:110-114)

A common objection is the the question, why we should consider the interests or preferences of animals, when originally ethics has been founded on a concept of mutuality, a sphere which animals apparently do not belong to, since it is not possible to come to a mutual agreement, like restraining from harmful actions towards one another.. Regardless of whether it actually is true, that ethical behavior or agreements originally were based on an idea of mutuality, it was an idea that was born out of self-interest. But originality alone doesn't prove the validity of the system, nor does it say anything about where it might end up over the course of time. Once we have started thinking morally, we inevitably will be exceeding the mundane premisses.

The social contract theory, as developed by Rawls and Gauthier, faces many problems. It is evident, that the exclusion of agents, who are not able to commit to such agreements, will encompass many more beings than only animals. Infants, mentally disabled or sick people all belong to this sphere and it is not just in marginal cases, that this poses a problem, it threatens to jeopardize the whole theory, unless a universalizing element is introduced. Since the reason to enter such an agreement is self-interest, a group of people is not required treat another group morally if it is not in their interest.

Singer alleges the example, that the white slave traders didn't have any reason based on self-interest to treat the slaves any better than they did, because the slaves simply couldn't avenge themselves. Even if they had been supporters of the social contract theory (without a universalizing element), they could have argued, that ethics ends at the borders of a community and because slaves are not part of theirs, they do not need to respect their integrity or have any other obligations towards them.

If obligation only exists in relations where mutuality is possible, the consequences are quite drastic, not only in relation to groups like animals, infants or disabled people, but also in regard to future generations. Generations that will be born only after we have died, have no possibility of a mutual agreement with us. Does this entitle us to disregard the consequences of our actions for our descendants? Is it morally sound, to dump nuclear waste that is deadly for 250000 years in containers, that will render it harmless for merely 100 years? Can we just go on ahead and exploit the earth's resources and destroy its ecosystems that will bring about catastrophic consequences over the next 100 years? Reducing the moral sphere only to agents capable of committing to mutual agreement is too short-sighted to be taken into consideration.

Due to these problems a few social contract theorists have suggested a wider understanding of the idea of mutuality, expanding the moral sphere to those who may at some be able to enter such an agreement, even if they do not have this ability at the given moment and also disregarding when they will achieve this ability.

This extension over the argument of potentiality though is not satisfactory either, as it actually subverts the core of the social contract theory. In regard to future generations, this extension would mean stretching the idea of mutuality so much, it is not recognizable as mutuality anymore, as future generations will never be able to step into mutuality with us, meaning that they can not fulfill their part of the agreement back to us.

The commitment to an ethical system that catapults society back to its initial level can not be regarded as a serious option.

In regard to the consumption of meat, a common argument is often heard, equally drawing on the idea of mutuality. Namely that since animals eat each other (and would eat us), there is nothing wrong about it, if we eat them.

Against this it must be held that animals eat each other for mere survival, while the same can not be said about us, and furthermore, again in contrast to us, they are not able to reflect on their eating habits. It seems rather odd that humans, the "rational and therefore superior species" would make the behavior of so-called brutes their own moral model. One can not forego responsibility by imitating beings, that are not able to make a choice in this respect. (cf. Singer 1996:100et seq.)

2.5.3. Harmful interests

Many objections have been raised regarding the function of preferences or interests in Singers (or the utilitarian) system, simply because experience has shown, that humans do not only have good intentions and wishes for each other, but often have negative if not dangerous preferences.

For instance, it has occurred more than once or twice in history, that the majority of a people detested an individual or a minority amongst them so much, that they enjoyed humiliating, harming or even hurting this minority. The question that is being raised here, is clear: how can the utilitarian theory deal with such preferences or interests when all interests are considered equally, no matter what their content or origin?

Already Mill saw himself confronted with this problem and countered this with the response, that in this case (aforementioned example), the individuals of the majority are placing their own pleasures over the pleasure of a fellow man, which weighs equally, and do not have the common good in mind. So this behavior wouldn't correspond to the utilitarian ideas and wouldn't be possible under it. (cf. Mill 1976,2006:101) Despite that, he further writes in the "Utilitarianism": *"A test of right and wrong must be the means, one would think, of ascertaining what is right and wrong, and not a consequence of having already ascertained it"*. (Mill 1976, 2006:9) In other words, the criterion of right and wrong must already be a tool in determining, whether an action is right or wrong and not only the result of such an evaluation. In the broad sense he presupposes certain basic rules which he regards as overlapping all areas of life and of binding character. To those he counts for instance the tenet of justice of avoiding damage. It is a moral duty, not to harm or damage another agent. (cf. Mill 1976, 2006: 177)

(cf. Scarre 1996:158et seq.):

Other thinkers like Rawls and Baldwin held a different argument against this objection. Rawls defined the respect to oneself as one of the fundamental goods for our self-understanding.

According to him, if a person tortures another one, the torturer loses his self-respect in the very same instant, because if he can't show this respect to another being, he can not have it for himself either. Scarre formulates this in an almost Kantian fashion:

"If one fails to respect humanity in other persons, by refusing to treat them as ends in themselves, one loses the basis for respecting one's own humanity and seeing oneself

as an end. One can not disvalue other human beings without implicitly disvaluing oneself, making the growth of self-respect impossible. Without a sense of human worth in general, there can be no sense of one's own worth.” (Scarre 1996:158) which leads him to the following conclusion: *“(…) if cruelty and maltreatment of others subvert a person's ability to respect himself for his own most valuable properties – those basic human qualities he shares with the rest of humanity- then they prevent him maximizing his own utility.*” (Scarre 1996:162)

If a person does another moral agent harm, then he doesn't treat this person as -to take a toll on the Kantian expression again- an end in itself. But if he fails to recognize this moment in another person, he can't claim it for himself any longer either and therefore he will not want his principle to become a maxim.

This is valid, because as long as I regard somebody as equal to me, I will not treat him any worse than I would want him to treat me, but it is not far to seek, that the majority of those people, that torture or harm fellow humans repeatedly, really do like to think of themselves as superior, be it because of their sex, their color of skin, their income, or whatever other reasons. In this sense, the argument is untenable.

Richard Hare faces the problem of harmful preferences in his conception of the utilitarian theory differently and Singer later takes him up on this suggestion. (cf. Singer 1994:126)

Hare constitutes two different levels in dealing with moral evaluations: one the one hand, the intuitive moral thinking and on the other hand the critical moral thinking. On a critical level we try to observe and weigh all the relevant informations and aspects as impartially and objectively as possible, from all thinkable perspectives in order to achieve the best result possible. The intuitive moral thought however is the form of moral evaluation, we use and find in our everyday life. There are many reasons, like feeling angry or hurt for instance, that hinder us in everyday situations, to run through the whole complex process of reflecting on a problem, as we do on the level of critical moral thinking. It is not possible for us, to make a clear moral evaluation in a very short period of time and/or under the influence of strong emotions, that would meet the requirements for proper critical moral thought. Thus, Hare proposes, similar to Sidgwick (see Chapter 1 of this work), to adopt a few certain general moral principles, which have proven to be the most useful and with the best consequences over the decades and to stick to them. Under these belong established principles, like telling the

truth, not harming anybody and such. (cf. Hare, MT p.44f) Singer assents to this view, (cf. Singer 1996:44) although without determining which specific rules shall be useful. It suggests itself to assume that the killing or harming of fellow persons and other such fundamental rules would qualify for Singer as well and would be helpful in reducing a lot of incidents caused by misjudgments of a situation or the misapplication of preference utilitarianism in our everyday life.

Furthermore the equal consideration of interests also doesn't lead to the result of majority overriding the minority, as preferences have to be weighted according to the importance they have to the people and beings in question. If a minority puts great importance on a matter xy, while the majority doesn't care about this issue, the minority can outweigh the majority.

Generally, one can say, that the possible sources of failure or trouble in the preference utilitarian calculus are either false beliefs or misinformed preferences (see Chapter 3.6.2. of this work), harmful preferences and the misapplication of the method.

As misinformed preferences are discussed in more detail in one of the following chapters of this work, we can limit the answer of how to handle these cases to saying, that the preferences taken into account shall always be those, that have been examined thoroughly and chosen after careful consideration of all options.

As for the harmful preferences, Mill still offered the best approach by saying, that a pleasure taken by harming somebody else is not consistent with the utilitarian idea and therefore can not be permitted. Applied to Singers theory, this would mean that preferences of harming someone are a priori not consistent with the concept of equal consideration of interests, which is based on the idea of equality. Singer however states that preferences have to be considered equally, independent of who has them and what their content is (cf. Singer 1996:34), but if we take a closer look at Mills useable argument, he actually is saying that the pleasures taken into account have to fulfill a minimum requirement, the compatibility with the fundamental idea of utilitarianism: equality. If Singer allowed this slight alteration in his own theory and would exclude all those preferences violating this principle, he could diminish the possibility that a group who deems itself superior to another group based on an arbitrary criterium like ethnicity, can suppress this group by outweighing their preferences in number and importance.

The third possible cause of failure is the misapplication of the preference utilitarian

method. By the introduction of two levels of moral reasoning, this objection is largely taken care of in our everyday lives, as we should rather follow a set of general principles. On a critical level it is still imaginable, that despite careful and thorough examination, the preference utilitarian calculus is still used inadequately or applied wrongly, resulting in unwanted consequences. Hypothetically, if it was true that the method is especially prone to being misapplied and this caused more harm than the good produced by utilitarians acting correctly, then utilitarians would refrain from supporting utilitarianism as a guide to behaving. Nonetheless the criterion by which the outcomes are judged, would stay the same. (cf. Schaler ed. 2002:491)

2.5.4. Animal rights

(cf. Wolf 2004:38-48 and Regan 2004:78-270 unless indicated otherwise)

Many people, can not come to terms with the fight for so-called animal rights. How can a concept like “rights”, be applied to a creature, that can not even understand, what a right is, not to mention, act according to other peoples or beings “rights”?

Singer himself refrains from using this term, precisely not to get caught up in this contradiction.

Jeremy Bentham however, in his infamous quote, does speak of rights, but as Singer points out, he is actually not arguing for “rights” as we understand them, but for the equality of animals, in the sense, that their interests get considered as well and not overlooked.

Every being that is able to feel pain, has at least the interest not to suffer, be it from pain, by constrained living conditions, etc. The “Moral rights” Bentham speaks of, is simply the protection of humans and animals, not to be caused suffering and to fall into moral consideration. The moral argument doesn't claim the existence of a right, it merely serves as an abbreviation in this case. (Singer 1996:37)

For Singer the talk of moral rights is redundant, but the problems surrounding the conception of rights in regard to the animal is best elucidated in comparison to Tom Regan's theory of moral rights for animals. Tom Regan is another proponent of considering animals as part of the moral sphere, but criticizes Singers principle of equal consideration of interests insofar, as according to him, it isn't able to protect individuals and minorities against the collective, due to the abstinence from establishing rights. Regan holds that it is highly unsatisfactory, that a moral argumentation is dependent of

accidental circumstances and fallible assessments and prognoses in such a manner. Regan calls for a strict equal treatment of fundamental moral rights, which can only be touched upon under extreme and well defined circumstances, but are not influenced by minor shifts in the balance between maximum satisfaction and minimal frustration of interests.

The initial question, in what way can reasonably speak of “rights”, both in regard to animals and human animals, first is avoided by Regan as he uses an argument *ad hominem* to establish his theory. He doesn't claim that humans have certain rights, but rather that IF humans have rights, then non-human beings have rights too, unless there are significant differences between human and non-human beings. By this he ties on believes, that can be agreed to or not and do not have to be justified ultimately. Regan did establish a more profound justification, but only with reference to the existence of a postulate that can not be justified further. Regan assumes that morals are determined by a formal principle of equality, that we need to give each individual, what we owe to it. This can be interpreted in different ways: on the one hand, there is the possibility - which he refers to as the perfectionist one- to understand this as giving each individual rights according to his capabilities and/or achievements, but this doesn't correspond to our current concept of equality, as abilities and talents are accidentally given and developed characteristics and these factual differences are irrelevant to the idea of equality in all humans.

Regan bases his egalitarian interpretation of the principle of equality on the assumption, that all individuals are equal, insofar as they all have the same inherent value. (cf. Regan 2004:235)

This inherent value is central to Regan's concept and needs to be differentiated from intrinsic values, which are good in themselves. The experiences of a being can have intrinsic value, meaning that experiences are good in themselves and desirable just for their own sake. But an entity rich in intrinsic values does not necessarily have a bigger inherent value. The individuals which belong to the sphere of the principle of equality all have the same intrinsic value. This is the postulate mentioned before, which can not be argued for independently and needs to be accepted in order to be able to explain our concrete and reflected moral judgements as Regan says. (cf. Regan 2004: 264)

In determining to which individuals this inherent value can be ascribed to, Regan takes up on Kant and suggests to use an alternated version of Kant's notion of autonomy.

Individuals, even though they might not be endowed with reason the way persons are, can be thought of as autonomous in the sense that they have the ability to initiate actions, in regard to fulfilling their own preferences and wishes. (cf. Regan 2004:85) He refers to this as preference autonomy and encompasses all beings, capable of interests, wishes and intentions and a certain kind of forward looking. By this they are subjects of a life and it can legitimately be said, that not just persons, but all humans and mammals that have the intellectual capabilities of a normal mammal in the age of one or more belong to this category. (cf. Regan 2004: 78-81) All these subjects of a life have the same inherent value and form the sphere of the principle of equality. In this value now lies their entitlement to being respected and considered, this entitlement is a moral right, according to Regan. (cf. Regan 2004: 267 et seq)

This is a controversial point regarding the debate. In Kant's notion of rights, the emphasis lies on duties, but it seems absurd to think, that while everybody wants to hold rights, the same people would want to accept duties just for the sake of having a duty. Especially in regard to animals it makes more sense to base morals on rights and not duties, as Mackie argued. (cf. Mackie 1984:171) Singer himself regards rights as deducted from the corresponding duties, which implies mutuality, which he dismisses as outdated and unsustainable. (see Chapter 2.5.2. of this work)

Regan's approach is, that there are rights that correlate to certain duties while others don't. This controversy surrounding the specific relation between rights and duties is the deciding element in each theory. While this debate can not be given full account here, we shall just quickly follow further the implications of Regan's conception. If we agree with him and assume that individual rights are fundamental for morals and animals are carriers of individual rights, then these need to be respected. But as Ursula Wolf points out, Regan doesn't give any convincing reason why we should regard them as such. His own argument, that only by accepting this postulate we can reconstruct our everyday moral judgements, is not sufficient.

A sufficient argument could only be found by asking what moral rights are and what they are based on. Kant's answer would have to be that beings have rights based on the fact that they have an absolute value, and they possess this value by being endowed with reason. This metaphysical assumption of a value may not be justifiable ultimately, but under this precondition one can understand why all persons have the same value and the same moral rights, as the value is not dependent on the grade of the ability to reason,

but being part of the sphere of reason. (Wolf 2004:41) The equivalent of this would have to be found in the inherent value in Regan's theory. But as far as Regan explains what he means by the this inherent value, he refers to the mental abilities, which again is confronted by the problem of graduation and distribution of these abilities.

One could extend the setting of the value by which already the preliminary stage of reason, the preference autonomy and subject-of-a-life conception are regarded as of absolute value, but this would be just another metaphysical premiss that one can either accept or not.

Another instability are Regan's notion of a subject-of-a-life and preference autonomy. While the first could be interpreted as passive, merely referring to the ability to feel pain or pleasure, preference autonomy seems to be a more active concept, with the being in question actively satisfying his wishes and preferences.

Both Kant and Regan largely emphasize the negative duties in their ethical conceptions. Even though some positive duties are granted, these are explained by recurring on the value of a being, that makes it necessary to help it where it suffers injustice. Obviously one can and should help when a being is treated unjust, but is helping really motivated by the duty of not violating their value or rather because they simply are in need of help?

When a being needs help we act because we can empathize with them based on our own experiences of helplessness. The duty in regard to the inherent value seems somewhat artificial in this context. It seems more plausible to say that a being has a right to be helped, when our morals say that it is right to do so.

This helps to illustrate, that individual rights are not necessarily dependent on the assumption of some inherent metaphysical value.

This and the different understanding of the relation between rights and duties, next to the difficulties in ultimate justifications lead Singer to let go of the concept of absolute rights and rather simply take the interests and needs of the individuals as a starting point.

3. Taking lives

3.1. Unsanctifying human life

(cf. Singer 1996:115et seq. unless otherwise indicated)

So far, the weighing of preferences has only been applied in regard to preferences of pleasure and pain, but not within the framework of questions of “value of life”, of matters of life and death.

Questions concerning the moral legitimacy of killing have been put aside on purpose until now, as Singer believes, that the principle of equal considerations of interests forms a sufficient base to identify and excoriate the widespread abuse of animals. Starting point of his discussions pertaining to the value of life and the demerit of killing is what he believes to be the root of the matter: The concept of the sanctity of human life.

In western thought, todays understanding of morality has been significantly influenced by this principle, which originates in the believe, that mankind was crafted in the image of god and therefore is gods property and we can not arrogate to damage what belongs to him (id est, by killing a human we would not only harm what belongs to god, but also to take away gods right to give and take life) (cf. Singer, 1996:122) The supposed priority of humans above all other species, is also founded in this belief, as it is expressed in Moses 1,29 and 9,1-3, where it not only says that humans are made in gods image and his property, which ought not be harmed, but also points out in its standard reading, that animals, since they are not made in the image of god, are subjected to us and therefore we are allowed to subjugate them to our needs. Meanwhile there have been attempts to cover that the bible doesn't mean we can treat animals as we please but that they are subjected to our protection and care, but as for the idea of the superiority of the human race which has been predominant for centuries, the standard interpretation has been essential in the development of the moral dogmata of european civilizations today.

Nowadays the religious foundation of the principle of the sanctity of human life is not generally accepted anymore, but the moral standpoint, that humans have privileged rights over other species, just because they belong to the homo sapiens and other beings do not, is still widely recognized as unbreakable.

Singers usage of the term however hardly ever refers to the original, religious notion,

but stays within the contemporary ethical context, where the “sanctity of human life” is merely a remain of it's earlier meaning and an expression used to exemplify the believe, that human life has a special value, that is significantly different from the value of life of other beings.

The sight of this unique value of the human life is not only deeply rooted in our society, but also established by the law. In every society known to us, a prohibition of killing other humans had to be established at some point, as probably no society would be able to survive, if it allowed to kill each other off in an unrestrained way. The only difference in these prohibitions were the people they were applied to. Some communities only applied this rule to their own tribe, others applied it to specific areas or countries. As of today, one can say, most people agree, that killing another human beings is wrong, no matter what their ethnicity, religion, nationality, gender, etc is, unless within specific situations like self-defense, war and other cases of doubt, which need further discussion. It is strikingly obvious, why it would be morally unacceptable to restrain the prohibition of killing humans only to certain tribes, ethnicities or nations, but as Singer points out, making the species a decisive factor in this case, is just as questionable.

3.1.1. From “human” to “personal” life

(cf. Singer 1996:116et seq. and Kuhse,ed. 2002:133et seq.)

A fundamental question to be answered in this context is what is actually meant, when speaking of “human life” and “human beings”. These termini are crucial, especially within the framework of debates regarding the moral acceptance of abortion and euthanasia, but also in terms of the subject to be examined here, the differentiation between human and non-human animals. “Is the fetus already a human being and when does it become one?”, “Are the mentally severely defective or comatose patients still persons? ” and “What makes the human animal different from the non-human animal?” are just a few of the questions often raised in these discussions, but can only be answered if the notions involved are thoroughly examined.

On the one hand, it can most certainly refer to the biological affiliation with the species homo sapiens. With this definition, the answers are rather simple. Too simple, as it would ignore many more subtle aspects, that resonate with the usage of the term “human”.

Singer takes up on Joseph Fletchers ideas, as of what makes a human being “truly human”. Fletcher compiled a list of “Indicators of humanhood” which included the

following: self-consciousness, self-control, sense of past and future, the ability to form relations to other people, to care for other people, to communicate and to be curious. This is the second sense in which we speak of a human, being “truly human”. We don't refer to the persons affinity to the species of *homo sapiens*, but rather implicate that humans have certain characteristic traits, which supposedly differentiate them from other species.

However, Singer is aware of the trap that is concealed in these deferrals of word usage: the ethical acceptability of a substantial question (like “is the fetus a human already?”) can not be answered just by an agreement of what a term means, and in order not to prejudice a matter or misuse the term himself, he settles for two different expressions, as opposed to the ambivalent usage of the notions in the bioethical disputes. On the hand, he speaks of “personal life” or “persons”, when referring to the idea of a human as a rational being, situated in spatio-temporal context, the normative sense of the word, and on the other hand, he speaks of “members of the species *homo sapiens*”, when its about the factual biological affiliation, the descriptive sense.

Nonetheless, Singer feels, as sound as such a preliminary fixing may be, the idiosyncrasy and the history of the notion of a person is not truly covered.

Person is both a suggestive and an emblematic term. Coming from the latin *persona* (greek equivalent of *prosopon*) it primordially referred to the mask worn by the actors of the classical drama. By using these masks, the actors showed that they were playing a role and over time, the term came to describe the character, as acted out by the performer. The notion first occurred in the philosophical context after Epictetus used it as a metaphor, symbolizing the role(s) one has to play in life. The crux lies in this interpretation of the very idea of the role, the concept of a person in regard to being a “subject of relations”. Just like a role doesn't have much to do with the nature of the being behind it and rather refers to an external and subsequent addition, relation posed a group that was of attaching character and “ this accidentally and not essentially connected to the thing”. (Singer a. Cavalieri, 1995:369f)

Interestingly, this early categorical independence of the substance from the role, subsequently was secured by the church. The problem of the dogma of the trinity (which was the difficulty in explaining the relation of god to the world -through the person of Jesus- and between them and the holy ghost) was settled at last, by declaring the notion of the person as autonomous from the substance, by stating that the trinity is the one substance and three persons. Despite numerous attempts to controvert this

explanation, theology retained the (normative) concept of a person from becoming synonymous to “human being”, even though the ambiguous and seemingly exchangeable usage of these termini remained common practice in the philosophical context afterwards.

The notion of a person is therefore strongly connected with two central principles of ancient ethics, role and relation. The special significance, that has been attributed to the roles in which humans relate to each other and the stipulation of morality as a base for guidance for the development and up-keeping of such relations, are characteristic for all traditional, small-sized societies in our cultural history even though focal points and methods have been practiced divergently. In contempt of evident anchorage in historical notions, the term is apposite in the modern context, in so far, as the corresponding assignments to role and relation are not factual. It is merely an abstractum, which, according to Singer (and Sidgwick) is an idiosyncratic trait of modernity. Modern, rational ethics abstracts from preconceived teleologic or metaphysic concepts and it's discipleship altogether. It endeavors to be free of liability of any other than of ethical nature and situates itself in an anonymous field apart from any classifications in regard to gender, ethnicity, class, etc. and their corresponding complexes of relations. To sum up why he chooses to employ this concept around which his arguments implicitly and explicitly will revolve Singer states:

“”Person” refers to the idea of being a locus of relations and playing a role in the ongoing drama. This makes it typically evaluative in nature. Hence to regard an entity as a person is to attribute a special kind of value to that entity. Moreover, since being a locus of relationships and playing a role is an accidental rather than an essential property of an entity, the range of application of the term can vary, thus providing a tool for moral reform.” (Singer a. Cavalieri, 1995:373)

To formulate it clearly, by this detachment of concept from substance, Singer has set the grounds for overcoming the species barrier and thus “moral reform”. “Person” now doesn't refer to humans only anymore. It is possible, that a being is a “person”, which doesn't belong to the species of homo sapiens, but fulfills certain criteria indicating personhood. Also, there might be members of our species, that are not persons, as they don't match the criteria for it. However, there are many ways to interpret the concept of person, starting from this and a need for more specific articulation becomes apparent,

for it to be effective. What makes someone a person? Over the course of time, this personhood has been defined in various ways, mostly circulating around notions like rationality and relations, meaning hetero-relation and self-relation. The latter has acquired supremacy at last and that's where Singer takes up on it, or to be more specific, when this aspect becomes especially significant, when the concept of person becomes equivalent with subjective identity.

Founding his view on John Locke's definition of a person^{(“This being premised to find wherein personal Identity consists, we must consider what Person stands for; which, I think, is a thinking intelligent Being, that has reason and reflection, and can consider it self as it self, the same thinking thing in different times and places; which it does only by that consciousness, which is inseparable from thinking, and as it seems to me essential to it.” (Locke, 1690: Essay II, xxvii, 9)},

Singer arrives at the conclusion, that Fletcher's aforementioned list of indicators of humanhood can be summed up by two central notions, of which all the other traits result from: rationality and self-consciousness, the ability to perceive oneself as a distinct entity situated in a spatio-temporal context.

Singer suggests these two elements as crucial in terms of personhood. But what does this mean in relation to the other beings which fall into our moral sphere?

3.2. The personal, conscious and unconscious life forms

As Singer doesn't hinge the personhood and later protection of life on the affiliation to a certain species, but the necessity for gradations is apparent, his suggestion is, to differentiate the life forms depending on their level of development and their faculties, without creating a hierarchy or ranking. He establishes three major categories in his axiology, to do so: the unconscious, the sentient and the personal life form.

To the category of the unconscious life form, belong all those entities, that categorically do not have the faculties to perceive any kind of stimulation, influences or events around them as pleasant or unpleasant. In consequence of their anatomic structure, they are not able to feel any pain or pleasure. In the first edition of *Animal Liberation*, Singer draws the line for this category above shells, in the second edition beneath them. (Flury, 1999, p.118) Furthermore he includes all inanimate nature like rivers, landscapes or mountains into this category, but also works of art.

As this is the least complicated case regarding the evaluation of whether and how these entities belong to our moral sphere, we can already anticipate at this point, that we do not have direct moral obligations regarding them, as they do not fulfill the basic

requirement to fall into ethical consideration, which would be the ability to feel pain and pleasure, if only as absence of pain.

Actions regarding these entities are only then morally relevant, if they have consequences for sentient beings, for example, even though it would not make any difference for the river itself if we poured toxins into it, we have a moral responsibility not to let that happen due to the direct bad consequences it would have on all the life forms in and around the water.

As for the question, how ponderous the preferences of these entities are in relation to the other categoric life forms established by Singer, they obviously have very little weight, as we can not even properly speak of “preferences” on their behalf, since they do not even meet the pre-requirement for developing preferences, which is the ability to experience a stimulus as pleasant or unpleasant.

The sentient life forms on the contrary are able to feel and experience pain and pleasure. Most mammals belong to this category, but especially with the higher developed beings within this category, one can not make out any distinct passage to the personal life form. For these bordering cases however, Singer suggests the “favor of doubt” as will be explained later in this chapter, since the category of the “only” sentient life forms becomes more easily understandable in regard to the third group, the personal beings. Principally, the preferences of all conscious beings weigh the same amongst themselves as well as amongst the preferences of personal entities, though Singer published diverging claims regarding the so-called replaceability argument. In the first edition of *Practical Ethics* he writes, that the preferences weigh the same, but are replaceable in the case of conscious life forms, an opinion, which he doesn't understand as convincing anymore in the 2nd edition. (Singer 1994:143) This debate however shall be presented in 3.1.3. in more detail.

Singer's final definition of the personal life form is based on Michael Tooley, who formulated that a person is a thinking and intellectual being, that has reason, rationality and a consciousness of itself, as well as the ability to orientate itself in a spatio-temporal context. It is important to note here, that this understanding of oneself, is not lost when a person is unaware of it temporally, for instance when sleeping or in a coma. Once the ability to perceive one's own existence like this is achieved, one has reached personhood and it can not be denied to the person anymore, even when in the temporary status of

unconsciousness of these aspects. (Tooley, 1972:60)

The paradigmatic case for a person is a healthy, grown-up human with the usual capabilities, but as Singer doesn't restrict the moral sphere to members of the species of homo sapiens, the status of a person can also be true for non-human beings, like great apes or whales and dolphins. Furthermore it is important to note here, that

As mentioned earlier, there is a grey area at the transition from a just conscious life form to the personal life form. In many cases, we simply can not be sure about the mental ongoings and (self-)perception of certain beings. Animals like pigs, dogs and cats would be an example for these cases, where it remains unclear, whether their mental capabilities meet the requirements to be counted among the personal life forms, while guinea pigs for instance quite clearly belong in the category of only conscious life.

The preferences of personal beings have the same ponderosity amongst themselves as among the preferences of non-personal life forms.

This axiology is important for understanding Singers following deductions and theories, when examining the questions of life and death, both for human and non-human animals.

3.3. The value of life

3.3.1. The personal life form

(cf. Singer 1996:123et seq. unless otherwise indicated)

After the excursus to Singers terminology and axiology, we can now further proceed to the subject of examination: taking lives.

The central question that we need to find answers for, if we want to get to an evaluation regarding the moral objectionableness of killing and experimenting on animals, is the question of “value” of certain life forms. It is relevant in the sense, that the worthiness of protection of life is derived from it. As has been shown earlier in this chapter, today's understanding of morality is significantly influenced by the originally religious concept of the sanctity of life, which, in the contemporary, secular discourse, is merely an expression for the belief that human life has a special value, which is different from the values of life of other beings.

Singer doesn't dismiss this theory completely, but rather pleads for a reformulation of the principle. If we don't necessarily understand human life as bound to the species of

homo sapiens and rather use a term like “personal life” according to his criteria and omit any intended religious connotation, the assumption is not anymore that human life is sacred, but that personal life has a special value, different from the only sentient lives. Singer discusses this in an affirmative sense in four different ways (Flury, 1999:123ff):

First, Singer examines how classical utilitarianism would evaluate the killing of a personal being- hypothetically assuming, that there might be a serious reason to consider killing a person at all - and argues as follows:

A person, which is a self-conscious being, aware of itself as a distinct entity with a future, a present and a past, is able to have wishes and hopes regarding his/her future. This might include finishing his/her studies, writing a book or going on a trip, etc. If persons like that are killed without their consent, they are deprived of the fulfillment of these wishes for the future. If a snail or an infant of 24hrs is killed, no such wishes are deprived from fulfillment as these beings simply don't have the necessary faculties to consciously have a wish for the future.

Classical utilitarianism evaluates actions in direct relation to their tendency to maximize pleasure and minimize pain. These might not be very precise notions, but it is evident, that they relate to the current state of consciousness. Therefore, in classical utilitarianism, it doesn't really matter, whether wishes for the future are disrupted by an untimely death which sets in immediately, as this doesn't have any influence on the actual sum of pleasure and pain, in the state of consciousness at the time being.

The special demerit of killing a person is not proven directly, but oddly enough, indirectly, as Singer points out. The indirect proof of the moral falsity is derived over the consequences the killing of a person has on other persons. These consequences being an increase of pain, caused by the grief of the people close to the victim and by the fear of the bereaved persons, that they might get killed themselves, since they too, are aware of their perishableness and it poses a serious decrease in the quality of life, to live under the constant threat, that one might be sacrificed for a “greater good” at any point in their life. This however is only the case, when the killing becomes known and the victim had a social net, which would be affected by the loss.

Obviously it is rather irritating to think, that the killing of a person is only morally wrong in relation to the effect it might have on other persons. Please note, that this is the train of thought regarding the special demerit of the killing of a personal being.

Otherwise classical utilitarianism can still argue, that the killing of a person is morally

not acceptable, as it bereaves the victim of its future pleasures. This objection however can be applied to every sentient being, that is likely to have a pleasant future, regardless whether the being in question is a person or not and therefore has been put aside in this examination.

The point Singer is getting at here, is that in classical utilitarianism, the indirect reason why killing a personal being is a moral wrong, delivers the argument, why it is (under certain circumstances) worse to kill a person than an only sentient life form. Precisely because the merely sentient beings are not capable of thinking of themselves as existent within a temporal setting, they can not be worried about their abbreviation of their time here.

As for the classical utilitarians, Singer suggests a different solution to get around this strange result, that killing a personal life form is only an indirect malady. As mentioned in Chapter 2 of this work, he suggests that in the long run, there will be better results if certain general rules are established which apply for our everyday life, rather than judging each case individually. This is based on the view he adopted from Richard Hare, the differentiation between the critical and intuitive level of moral reasoning. While the critical level, dealing with the pros and cons of an action and all its possible consequences in depth, shall best be reserved for very special cases and be evaluated extremely carefully, the intuitive level should consist of a few moral principles, of which we know from decades of experience, that they generally bring about the best results and consequences and shall not deflect from these. Keeping promises, speaking the truth and not harming or killing each other are reasonable candidates for such principles. So even if pondering on a critical level, a classical utilitarian must admit that a case is imaginable, in which it would be better to disrespect a persons wish for continuing life, when the killing would be absolutely secret and a lot of suffering would be relieved by this killing, there is absolutely no room for a serious consideration of these possibilities in our everyday life. On the intuitive level in our daily life, a classical utilitarian will always reject the idea of killing a person for the greater good, as the occurrence of such an event, would have seriously negative consequences on a society. It is only on the critical, and largely hypothetical level, that Singer evaluates the special demerit of the killing of a person in classical utilitarianism and finds out, that status of personhood is only indirectly relevant for the demerit of killing, but this indirect argument is sufficient to support his hypothesis, that the killing of a personal being is a

more serious fallacy as the killing of an only sentient being is, as the ability to perceive oneself as situated in a spatio-temporal setting is the crucial characteristic to be affected by the indirect argument.

The next proof, that the hypothesis that personal lives have a special value different from other life forms is right, is generated over his own variation of utilitarianism, the so-called preference utilitarianism. According to this theory, an action, that disrupts the (informed and carefully considered) preferences of another being, without balancing out this disrupted preference by opposed (equally well-informed and carefully considered) preferences, is morally wrong. Therefore it is a direct injustice to kill a personal being, that has the preference of continuing living, even if this being is not able to complain about it afterwards. The wrongness lies within the disruption of the preferences.

For a preference utilitarian, the killing of a person is generally a more serious wrong (unless the frustration of this interest is outweighed by the fulfillment of other preferences), than the killing of another non-personal being, precisely because personal beings are especially future-oriented when it comes to their preferences. Killing a person usually means not only to disrupt just a single preference, but a whole complex of central and meaningful preferences of a personal life.

On the contrary, non-personal beings that can not see themselves as an entity with a future, can't have any autonomous preferences regarding their own future existence.

Again, these are just the explications in regard to the specific demerit of killing personal life, Singer never denies that there aren't any preference-utilitarian reasons for the killing of a personal or against the killing of non-personal beings. For him, it is not a downside, that preference utilitarianism doesn't postulate an absolute prohibition of killing personal life, as this is not his intention anyway.

The third point of reference for Singer, on his quest to prove that the personal life form has a special value, is the debate around the "right to live" as it has been lead by Michael Tooley.

As much as Singer tries to back away from the notion of "moral rights", he gives in to the possible use of this terminology as a shortcut to fundamental moral decisions and not in the actual sense of legal rights.

Since the idea, that humans have a "right to live" is so widely spread, he deems it necessary to ask, whether there might be any reasons, as of why a person should be

granted a right to live, in contrast to non-personal beings. He sympathizes with Michael Tooley in this matter, who argues, that the only beings that can have a right to live, are those, that can comprehend themselves as distinct entities, that exist in a temporal context, which is equivalent to the definition of a person according to Singer. Tooley claims, that there is a notional connection between the wishes a being can have and the according rights, although it is very difficult to formulate this relation in a precise way. He says, that frustrating someones right, is basically the same as disrupting somebodies wish. For example, if Person A owns a car, then all of us must respect that it belongs to Person A and mustn't take it from him or her. This however also depends on the wishes of Person A. If Person A doesn't care whether the car is taken away from him or her, it doesn't disrupt Person A's right, if we really take it from him. According to Tooley, having a right is strongly connected to the wishes of a person. Even if the person doesn't have a specific wish that very moment, the faculty of wishing something relevant needs to be given, otherwise, there can't be any rights. (cf. Tooley 1972:60et seq. a. Singer 1996:130et seq.)

In order to have a right to live, a being must fulfill the following requirement: they must have had, at least at some point in their life, the idea that they are a distinct entity with a past and a future.

This formulation makes sense, as it avoids the problematic situation of unconscious (for example in a coma) or sleeping people. Also it is evident, that our wishes, be it writing a book or continuing life, still exist, even if we don't consciously think of it every moment.

The important point for Singer here is obvious: only a person is able to have the wish to exist as a distinct entity, thus only a person can have the right to do so. He understands this as the most promising vindication for a right to live and another example supporting the idea of the special value of personal life forms.

The last possible reason, Singer examines to determine whether a personal being might have a special value of life, is the independent moral rule in the kantian tradition that postulates the respect for decisions made by autonomous entities as a very important moral principle. Autonomy being the faculty of making a choice, to perform an action according to ones own decision, after considering the options. Again: only rational and self-conscious beings that understand the difference between life and death can autonomously decide that they wish to continue living and therefore are ought to be

respected in their autonomy, while other beings, who are not able to understand these concepts and thus, can not make an autonomous choice for their continued existence, do not possess any autonomy that would need to be met with respect.

However, utilitarians do not respect the autonomy of a being for itself, even though they put great emphasis on the preference or wish of a person to continue living.

Theoretically it is possible in the preference utilitarian framework, that the autonomous wish of wanting to stay alive, is outweighed by a great sum of other equally fundamental preferences.

In this sense utilitarians can not stress the aspect of autonomy as much as those, that regard the respect of the autonomy as an independent moral principle, when it comes to rejecting the killing of a person. But Singer points out, that this respect of the autonomy might be a very good example for one of the general rules, which he suggested earlier in his division between intuitive and critical moral thinking, in order to get more satisfying and better results in the general life of people, as every other action would.

According to the results of these examinations, Singer has reason to believe that the killing of a personal being is indeed morally graver than the killing of an only sentient being and he will keep all of these four lines of argumentation in mind, when discussing the practical problems of killing.

Before that however, several questions and claims regarding the value of life must still be dealt with.

3.3.1.1. Non-human personal life

(cf. Singer 1996:147 et seq. Unless indicated otherwise)

As Singer has grounds to assume that the killing of a person is a more serious moral wrong than the killing of a non-personal being, especially in the context of animal ethics one has to ask, whether there might be persons among the many species of the non-human animals. By asking whether they are persons, we are really asking, whether there are any non-human animals, that are endowed with reason and that are self-conscious to the extent that they comprehend themselves as distinct entities with a past and a future. There is reliable evidence that at least a few animals are. One of the most striking examples are the great apes. When the American scientists Beatrix and Allen Gardner first realized, that earlier attempts of teaching Chimpanzees the human language failed, not because they lacked the intelligence necessary for the use of a complex

communication system like ours, but because of their vocal apparatus being unsuitable to reproduce the sounds of the human language, they started an experiment with an astounding outcome.

The Gardners decided to raise the infant chimpanzee “Washoe”, as if she was a deaf-mute child. The whole team of researchers involved in this experiment, almost exclusively communicated with her in ASL, the American Sign Language and while in her presence, also used ASL to speak to each other. By the end of her life (Washoe died in 2007 at the age of 42) she was able to understand about 350 different signs. For researchers to behold that she had in fact learned and understood a sign, she had to use it spontaneously, correctly and for at least two weeks in a row.

As soon as she had a vocabulary of about eight to ten words, she spontaneously started using them in combination. This was not an imitation on her behalf, as she came up with combinations, the researchers had never used when communicating with her. One of these early examples would be “gimme tickle please” (Chimpanzees have a great passion for being tickled) or “please open hurry”. Furthermore, she was able to transfer the signs from their first referents (like “dog”) spontaneously to new members of each class of referents, to the extent, that she even spontaneously signed “listen, dog” to her caretaker, when she heard a dog barking in the distance, without even seeing him. (cf. Gardner a. Gardner, 1969:664et seq)

She also showed strong indicators of self-consciousness. When Washoe was shown her image in the mirror and asked: “Who is this?”, she didn't hesitate to answer: “Me, Washoe.” In fact, when the chimpanzee was moved to another campus at the age of five and was first introduced to other chimpanzees, Washoe suffered a crisis of identity. As Deborah Blum describes in her book “Monkey Wars”, Washoe first was floored to realize she was not human, but came to accept that she was a chimp bit by bit and started enjoying the company of other chimpanzees. She even adopted an infant chimpanzee in her new home and used sign language for communication and consciously taught the infant how to use ASL, by forming his hands to a specific sign in the appropriate context. Another striking demonstration of self-consciousness was, that Washoe (and other chimps) sometimes spoke to herself or “thought aloud”, by signing to herself in adequate ways while on her own. (Kuhse ed 2002:138) That she was not only able to comprehend herself as an distinct entity but also had some idea of death and compassion, is evident from the following statement by Roger Fouts, when

recounting the situation of the first reunion with one of Washoe's caretakers, after she had been missing from work for many weeks after a miscarriage :

"People who should be there for her and aren't are often given the cold shoulder--her way of informing them that she's miffed at them. Washoe greeted Kat [the caretaker] in just this way when she finally returned to work with the chimps. Kat made her apologies to Washoe, then decided to tell her the truth, signing "MY BABY DIED". Washoe stared at her, then looked down. She finally peered into Kat's eyes again and carefully signed "CRY", touching her cheek and drawing her finger down the path a tear would make on a human. (Chimpanzees don't shed tears.) Kat later remarked that that one sign told her more about Washoe and her mental capabilities than all her longer, grammatically perfect sentences." (Donovan 2006:190)

This is just one striking example of many researches on the great apes. Studies have shown that Gorillas are just as capable of learning sign language, one of the most famous examples being Koko, a gorilla lady, with an active vocabulary of 500 signs and an understanding of about 1000.

Great apes have also shown to have a sense of time and can express this to us. When Koko for instance was asked, a few days after her birthday, what she had been doing that day, she signed eat, ice-cream, sleep and old gorilla. (Singer a. Cavalieri ed.,1993:74) She had been given ice-cream on that special occasion. Apart from referring appropriately to past events numerous times, Koko is also known for making jokes and cracking up about them herself. (Kuhse ed. 2002:139)

On the assumption, that based on the results of these sort of studies (of which only a few representative case can be mentioned here) one can accept, that the great apes capable of ASL, are indeed self-conscious, one has to ask whether it makes them an exception among all non-human animals or does their acquisition of a "human" language merely give them the means to communicate to us certain qualities, that they and other animals have had for a long time already?

There have been many a philosopher, claiming that thought requires language, that one can not think, without expressing his thoughts in words. Michael Leahy, a british philosopher argues in his controversial book "Against Liberation: Putting Animals in Perspective", that animals, can not have any form of intentions or reasons for acting certain ways and that it is pointless to believe, that they have any expectations regarding future events or any notion of the past, as they lack notions altogether.

If we were to admit that those species, that have learned to use one of our

communication systems, were exceptions from all others, would this claim be true? If yes, it would mean that no being without a language as we understand it could be a person.

Without a doubt, all animals have developed some sort of communication, but as it is difficult to determine whether these systems can be credited as language in the requested sense, Singer refrains from exploring this uncertain possibility in greater detail and debates, what we can assume considering the non-verbal behavior of animals.

According to him, it is not unthought of, that a being is capable of thinking in notions, without having a language like ours, as there are many examples of animal behaviors, that can not or only very poorly be explained, if we don't acknowledge, that some animals think in notions.

Singer mentions a few cases, that support his standpoint:

“In one experiment, for example, German researchers presented a chimpanzee named Julia with two series of five closed and transparent containers. At the end of one series was a box with a banana; the box at the end of the other series was empty. The box containing the banana could only be opened with a distinctively shaped key; this was apparent from looking at the box. This key could be seen inside another locked box; and to open that box, Julia needed another distinctive key, which had to be taken out of a third box which could only be opened with its own key, which was inside a fourth locked box. Finally, in front of Julia, were two initial boxes, open and each containing a distinctive key. Julia was able to choose the correct initial key, by which she could open the next box in the series that led, eventually, to the box with the banana. To do this, she must have been able to reason backwards from her desire to open the box with the banana to her need to have the key that would open it, to her need for the key that would open that box, and so on. Since Julia had not been taught any form of language, her behaviour proves that beings without language can think in quite complex ways.” (Singer 1993:114 et seq.)

But it is not only experiments in the laboratory, that give reason to believe that animals are able to think ahead very well, have a sense of time, expectations regarding future actions and in some cases even practice deceit, in order to get their way.

Tricking or fooling someone on purpose is a clear indicator of self-consciousness, the ability to perceive oneself as an distinct entity.

Singer describes the common observation of chimpanzees living in a group with one dominant male, that will attack other males, if they mate with a female. Nevertheless considerable sexual activity takes place, when the dominant male is not paying attention. The male chimps often try to lure the females into sexual activity by showing

off their erected genitals. However, if the dominant male happens to pass in precisely that moment, they will quickly cover it up with their hands and pretend to be doing something innocent, so the dominant male will not attack them.

“In the shadow of man” Jane Goodall describes an even more evident incident from her observations:

One day, shortly after she had fed the group of apes she was observing, one of the apes called Figan, discovered that a banana had been overlooked, but unfortunately, a higher-ranked chimpanzee of his group was sitting right beneath it. After a short glance at the fruit and the other male, he quickly went to the other side of the tent, so he wasn't able to see the banana anymore. As soon as the other male left his spot and was out of sight, Figan immediately climbed the tree to get his banana. Goodall, an expert on chimpanzee behavior, was sure that Figan had his strategy all mapped out: If he had tried to get the banana, the other chimp probably would have taken it away from him. If he had stayed in sight of the banana, he probably would have been tempted to look at it every once in a while and given his secret away, as chimpanzees are very quick at noticing and interpreting the ocular movement and mimics of their fellows.

So Figan didn't just hold himself back of going for the fruit right away, but also deliberately chose to get out of sight, in order not to give the game away and get his banana only after the other male had left.

This is Goodall's interpretation, but as Singer argues, it is not pointless. Even though Figan might not have been able to articulate his intentions or his plan the way she did, he nevertheless planned it all out and if an animal can come up with a strategy to get to a fruit in the foreseeable future, and even takes precautions not to reveal his plan by his probable inability to withstand the temptation of looking at it, Singer sees sufficient evidence that this being is aware of himself as a distinct entity in a temporal setting.

3.3.2. The conscious or sentient life form

(cf. Singer 1996:137et seq unless otherwise indicated)

There are many beings in existence, that are conscious and sentient, but not endowed with reason or self-consciousness and therefore can not be regarded as persons. Most certainly a lot of non-human animals belong to this category, but also infants and some mentally handicapped do not fulfill the required capabilities to personhood. If Michael Tooley is right with his assumption, then beings without any self-consciousness don't

have the full “right” to live, but nonetheless there might be sufficient reason to regard it as morally wrong, to kill them. Singer approaches this matter, by examining the value of the only conscious life form and its logical implications.

According to him, the most obvious reason to regard the life of a sentient being as valuable, is the capability to experience pleasure. In line with his theory that moral judgements claim universalization, we need to acknowledge that the feelings of pleasure of any being, that is able to experience them, must be considered just the same as the positive evaluation of our own pleasurable experiences. If the being is dead however, it is clearly not able to experience pleasure. So the basic argument would be the following: Since a being will be able to experience pleasure in the future, it is wrong to bereave it of these future pleasures. As a being is also able to experience pain and in this case it would not be wrong to spare him the future pain by killing him, this argument against the killing of conscious beings only works, when it is likely that a certain being will generally have more pleasurable than painful experiences throughout his life.

This seems to be a fairly simple equation, but as Singer is aware of, this formulation conceals a problematic aspect: there are two ways, to maximize the overall sum of pleasure. One is to maximize the pleasure of those that are leading a pleasurable life, the other is to increase the number of beings leading the pleasurable life.

The first method will leave us with beings leading more pleasant lives than they would have, and the other would produce more beings leading pleasant lives.

So we are inclined to think, that killing those leading pleasant lives is wrong, because it reduces the pleasure in the world. Subsequently, it must be good to increase the number of beings leading a good life, by bringing more happy children or animals into this world, for instance. (Given that we can provide them with all they need to lead pleasant lives)

This would imply, that killing a sentient being leading a painful life is right (if we can't make him better, that is) and it would be wrong to increase the number of beings leading an unhappy life.

As Singer points out, when applied to practical problems, this would lead to a strange asymmetry.

Most people would agree, that knowingly bringing a suffering child into this world (for instance because we know in advance that the child is going to have a severe mental and

physical disability, that will make his life a very painful one) is wrong and the parents are morally compelled to refrain from conceiving this child. However, when the future pain of a possible being is a strong reason not to bring it to life, it would mean, that those that have the conditions to bring beings into existence, that will lead very pleasant lives, these future pleasures of possible beings should also be very strong reasons to bring these beings to life. But it's not. Most people would not agree, that those who are able to provide children with good conditions for a happy life, are morally compelled to conceiving children, if not as many as possible.

There are two ways a utilitarian can view this problem.

One can have the standpoint, that it is important to to increase the overall sum of pleasure -and decreasing the overall sum of pain- altogether, regardless, whether this is achieved by increasing the pleasure of the beings in existence or bringing new beings into existence leading pleasant lives. This is, what Singer refers to as the “total view”. This total view, would advocate that it is wrong to kill a sentient being leading a pleasurable life, and good to increase the number of beings leading happy lives.

The other approach would be to increase the overall sum of pleasure and decrease the overall sum of pain, by only taking those beings into consideration, that are already in existence, or will exist, independent of the decision to be made. This “prior-existence-view” negates, that it is valuable to increase the sum of pleasure by bringing new beings into existence, that will lead pleasant lives.

This view corresponds more to our “intuitive judgement”, that nobody is morally compelled to bring beings into existence, because they have the necessary means to do so.

However, under this view one either has to accept that it is not wrong to knowingly bring an unhappy being into existence, or find a reasonable explanation for the asymmetry, which is a difficult task. The explanation Singer comes up with, in regard to the practical example mentioned above, is that it is not a direct wrong to bring a child into the world, of which we know that it will suffer. As soon as it is in existence however, we would relieve it by an act of euthanasia to reduce the amount of pain in the world. But euthanasia would be far worse for the parents and everyone involved, than not conceiving a child at all. By this one would have an indirect reason to not bring a child into this world, that is bound to lead a very painful life.

In regard to the initial question, whether conscious life can be regarded as valuable and whether it is unjust to cut short a pleasant life, both views agree that it is indeed and it is

an injustice, to shorten a pleasant life, but depending on which view we employ, this answer commits us to certain consequences.

For the moment, the question is answered, even though the consequences are not entirely, but these will be dealt with in chapter 3.5. of this work, when reflecting on the killing of conscious beings.

3.3.3. Comparison of values

(cf. Singer 1996:141et seq. unless otherwise mentioned)

Now that it has been explained, that the two categories of personal and conscious life have different values, Singer sees himself confronted with a possible supposition of anthropocentrism. Even though he explicitly states that he has no intention of creating a list and numerating the different values of life, some might even think of his three basic categories as an oddly anthropocentric account of trying to evaluate certain life forms, as inevitably, he places the personal life form (which largely consists of human beings) on top of the hierarchy and implicitly evaluates life forms according to their similarity to us. Shouldn't we rather realize, that every life form, values its own life greatly? A person might be able to pursue ambitious aims, while a mouse comparatively is not in a position to do that. But the pleasures of a mouse' life is all this mouse has and therefore it makes sense to assume that it values them just as much as the person values his or hers. Who are we to go ahead and claim, the mouse' life is less valuable than a persons life?

Singer believes that we are not judging speciesistically when we claim that the personal life is indeed more valuable than the conscious life. According to him, such a judgement can only be plausibly made, when it is made from an impartial perspective. As finding neutral ground for such evaluations is practically impossible, he suggests a thought experiment to support his view, that we can in fact make such judgements.

We are asked to imagine, that we posses the ability to slip into the existence of another being, for instance the existence of a horse. We would transform ourselves into such an animal and experience all mental and physical impressions a horse has. After having gathered this experience, we would slip into a third existence, neither human nor horse, a kind of referee-existence, in which we can remember both what it was like to be a horse and what it was like to be a human. In this third form of existence, we would get

to decide, whether we would like to spend the rest of our life as a horse or as a human, given, that we can expect to lead a life of the quality, that such beings usually have under regular circumstances. As Singer formulates, we would really have to make a decision based on which life we would regard as more valuable.

According to Singer, this thought experiment demonstrates, that the claim, that all beings have the same value, doesn't have a solid footing. He believes to have found an instrument for an objective but intersubjectively valid comparison and formulates a general rule for questions of hierarchies of values:

“Generally one can say: The higher developed the conscious life of a being is, the higher the degree of rationality and self-consciousness is, the more one would prefer the life of this being, than a being with a lower level of consciousness” (Singer 1996:124)

This is inspired by Mills distinction between higher and lower pleasures, which get to be evaluated by those who have experienced both pleasures, in this application leading to an evaluation by the “superior” being, as only the human persons know both.

This introduced thought experiment however is quite problematic in many respects. If we really did have the faculty to slip into the existence of another being and subsequently would be able to transform into a third form of existence that allowed us to compare the other forms of existence, we would have a significant tool in our ethical evaluations, but it remains questionable, whether one could really perform intersubjective comparisons from this third perspective. On the basis of which criteria would we define the value, that the two entities attribute to their corresponding form of existence? How were we to compare the completely different forms of existence and their respective evaluation, which have been made by means of criteria that are not known to us?

Apart from that, one has to raise the simple, but deciding objection that we simply don't have this ability. We are not able to experience the impressions of a horse from a horses point of view and we also can't slip into a third existence, in which we become a neutrally, evaluating being. We only have a few points of reference, that give us a vague idea of how certain events may feel or be experienced from a horses point of view, but we can not say, how valuable the horse regards his existence. The third position seems necessary for making neutrally, intersubjectively valid moral judgements, but is impossible to reach.

(cf. Nagel 1974, Baranzke 2008:48et seq.):

Thomas Nagel comes to a similar conclusion in his classic essay *What is it like to be a bat?*, dealing with the related epistemological questions of the experience of qualia- the phenomenal consciousness and brain-mind-concepts. In this context, the subjectivity of the animal is often touched upon, by asking whether the subjective phenomena of experience a human can have, also occur in animals or formulated even broader: what we can know about the animal at all? What is it like to be an animal, that might have a different form of organization, different sensory organs or even a different neuronal base? This is a whole complex of philosophical problems. It is already problematic to think in somebody else's shoes, even more so, when the other consciousness is in some sense abnormal or in a special state of mind, like in a vigilant coma. It becomes even more difficult to describe or reconstruct the experiences of other life-forms, especially when these have a different kind of sensory system. The more different a foreign consciousness is to our consciousness, the more questionable a first-personal projection of ones thoughts into the other consciousness becomes, according to Nagel. On the other hand, it seems like the description of a state of mind becomes more objective, when it is less dependent on our specifically human point of view, in the sense that less anthropomorphic notions are used in the description of the experiences of the foreign consciousness. This is a dilemma, that can be summarized as the central question of how humans can possibly approach these foreign experiences both subjectively and objectively, from first-personal and third-personal perspective at the same time? If we want to describe scientifically, what it's like to be a bat, a horse or any other animal, an objectifying reduction into the third-personal description is required. This however would exclude the individual perspective and lead to the next problem: how can a claim for an objective truth be met, especially if it is confined to a physical terminology, while the phenomenon itself can only be described by psychological termini. It is not clear, how a psychological and a physical terminus can describe the same thing. From a physical point of view, we can describe the system of echo-location bats use, but it is elusive to imagine for us, what and how the bat experiences it.

It seems, as if the only way to get closer to comprehending the experiences of a foreign consciousness, by projecting ourselves into the perspective of the experiencing subject. This however, inevitably leads to anthropomorphism. According to Nagel, the way out

of this dilemma would be to establish notions and methods of an “objective phenomenology”, which is independent of empathy and imagination but still able to describe subjectivity in a way, that even beings, unable to experience certain qualia themselves, would be able to understand it. Unfortunately, this far exceeds our possibilities of cognition.

Therefore Nagel concludes, that there is reason to believe, that we will never know what its like to be a being of a species other than our own.

Singer tries to do precisely this in his thought experiment, by introducing a third being perspective, that is supposed to give an objective and impartial view on the other two existences. Theoretically his procedure makes sense, but failure inevitably comes at hand, as the third perspective again is only imagined by ourselves and based on our own experiences.

Strictly speaking Singers thought experiment is merely an embodiment of his assumption, that humans would prefer to lead a human life, even if they were evaluating this existence from a third, hypothetical form of existence.

On the other hand Singer doesn't claim to have such powers, but nonetheless his claim to have found an objective or at least intersubjectively valid tool for such comparisons seems indefensible. The thought experiment is rather his own subjective projection, that such a “method” would lead to an evaluation, close to our intuition, that personal life has a special value amongst the other life forms.

As Flury argues (1999:159), this thought experiment is also confronted with the difficulty to explain, why a preferred form of existence automatically is the more “valuable” one. According to him, the general practice of this rule would lead to results, that Singer probably wouldn't accept. Currently existing humans will almost exceptionlessly always choose a healthy existence over an existence in illness and would prefer to be physically beautiful people rather than deformed. Even Singer can not deduct from this, that the life of physically beautiful and healthy people is worth more, than that of others, be it “normal” or “ill” people.

This objection on the behalf of Flury however, doesn't quite subvert the matter as he would like it too. The reason being a shift in emphasis. Singer explicitly says, that one would be choosing between forms of existence, that can expect to be fulfilled according

to the usual preferences this existence has. It might be desirable to be “beautiful” and perfectly healthy, but he is not comparing the values of ideal and unideal lives, but average lives.

Nonetheless Singers thought experiment is by no means an actual tool in evaluating or comparing the different values of different life forms, the criteria he actually uses to determine the value of a form of existence is the degree of the consciousness, mental life and self-awareness, without intending to create a precise hierarchic list, despite the general categories of unconscious, conscious and personal life. In any way, it remains unclear, how Singer can argue, that humans really do regard the conscious intellectual life and self-awareness as the deciding value, independent from what they consider valuable apart from that (id est beauty, health, etc.).

3.3.4. Killing human and non-human personal life

(cf. Singer 1996:135et seq)

As has been examined earlier, Singer argues that the only supportable version of the view, that the human life form is of special value and deserves special protection, must be based on the status of personhood, in so far as most human beings are persons. Since also some non-human beings qualify for personhood, the same value and protection must be granted to them. The affiliation to a specific species mustn't play a part in this context. Although it may be an idea that needs some getting used to in some people, that in some cases non-human animals are persons while some humans can never reach this status, there is no objective evaluation that could support the standpoint that killing a member of the human species is always far worse than killing a non-human being. If we think of the great apes described in chapter 3.1.3., it is hard to understand why they are still being captured, sold, experimented on and killed by hundreds. As they are very hard to breed in captivity, they need to be captured in their natural habitat. The standard method of the poachers has been to shoot a female, carrying a young and transporting the young to Europe or the United States. According to Jane Goodall, for every ape that arrives in Europe or the states while alive, at least six others have died. Even though chimpanzees, gorillas or orang-utans have been classified as endangered animals and their trade is illegal, they are still being hunted, sold and killed to this day, while it is hard to believe that we would ever allow such a hunt on our human children under the age of 6, who have about the same level of self-consciousness and rationality as these apes do. (Cavalieri a. Singer ed.1993:49)

The great-apes are one of the most evident examples, that they qualify as non-human persons, but they can't be the only ones. Scientific observations of whales, dolphins and elephants suggest similar results (see e.g. Kiley-Worthington 2011:119-159), although these studies are still in their early stages, due to the obvious difficulties their natural habitat imposes on humans, among other reasons.

What also needs to be taken into account, are the numerous “unscientific” sources, the accounts of those, living in close relationships with animals, observing their behavior every day. Many people living with pets like cats and dogs, or on farms, with pigs and cows, are convinced, these animals indeed possess self-consciousness and a sense for time and future, apart from conditioning like, for example, feeding them at a certain hour every day and finding them in expecting positions upon arrival.

Sheila Hocken recounts for instance, that her guide-dog for the blind, Emma, brought her to the places she would do her weekend-shopping at every Friday, without being asked to and without being told the weekday.

People living in areas with a lot of stray cats, have observed that they follow very strict rules in their sharing of territory. According to the time of the day, certain streets belong to certain cats and if another feline dares to trespass, it is either chased away fiercely or has to face combat. (http://www.messybeast.com/soc_cat.htm 20.08.2011)

These sorts of observations may be unscientific and contain some projection every now and then, but to those who have spent a lot of time living with animals, these observations are not uncommon and in lack of better studies, Singer suggests, we should take them into consideration as well.

But if dogs and cats can be persons, many animals, even those that a lot of people eat on a daily basis, might be persons. Any farmer will tell you, that a cow weeps and looks for her calf for many days, after it is taken away from her and so does the calf. Pigs are highly intelligent beings and when spend as much time with as with a dog, it can develop an even bigger understanding, vocabulary and “tricks”, as a dog.

(<http://www.nytimes.com/2009/11/10/science/10angier.html> 10.08.2011)

As Singer admits, the matter is rather speculative. It is considerably difficult for us to determine when a being becomes self-conscious, but based on the hypothesis that it really is wrong to kill a person, and there is doubt, whether the being we are about to kill is a person or not, then we should favor the mercy of doubt and spare this being.

3.3.5. Killing non-human conscious life

(cf. Singer 1996:158ff and Singer 1979:145-156)

Apart from the personal life, a variety of beings exist, that are conscious, but can not plausibly be referred to as persons. A striking example would be the majority of the fishes, that get killed for nutritional needs of some humans. As they are not autonomous, they can not be granted an unrestricted protection of life. This doesn't mean, that there aren't any reasons to believe, that killing them is wrong anyway. Before discussing the utilitarian approach to the matter of killing itself, Singer makes out, that there are various indirect reasons against killing conscious life forms, the two gravest arguments being, that with most killing methods, death doesn't occur instantly, with the result that the process of dying will involve pain, fear and suffering. Furthermore, the death of a being will often affect the companions or the social net of this being, as has been made clear by many a study. Be it the pain of the cow and her calf after their separation or the grief of the group or herd of wolves and elephants, after the death of a member of their affiliation. (cf. Kiley-Worthington, p.145) This is not only true for personal beings, "lower" species like guinea pigs or budgies are equally affected by a loss of their companion. (cf. <http://guineapigresource.com/guinea-pig-life-span/> 11.08.2011) These alone would be sufficient reason for any utilitarian to reject the killing of conscious beings, regardless of their personhood.

If these two factors do not apply in a killing of a conscious being and the act itself has to be evaluated by utilitarian considerations, the matter gets more complicated.

Depending on the two possible approaches utilitarianism can have on this subject, namely either the "prior-existence.view" or the "total view", the results may differ.

According to the prior-existence-view, when making a moral decision, we only take those beings into consideration, that exist at the given moment or will exist, independent of the decision. This approach denies that there is any good in increasing pleasure by bringing new or more beings into existence. It is regarded as morally wrong, to kill a being, which life would presumably contain more pleasant experiences than unpleasant ones or which life we could make more pleasurable than painful. To employ a practical example, according to this view it would be wrong to kill conscious beings for the

pleasure of eating them, as we would have the possibility to provide them with all they need to lead a very pleasurable life, which can not be balanced out by the little pleasure some humans have in eating meat (be it poultry, fish, beef or pork).

Things look considerably different when employing the total view: this approach is about maximizing the overall sum of pleasure (and minimizing the overall pain) and it doesn't matter whether this is achieved by increasing the pleasure of the beings in existence or by increasing the number of beings leading a pleasurable life. This view regards conscious entities as valuable only insofar, as only they open up the possibility of valuable pleasurable experiences in the first place. The popular metaphor, that is called on to symbolize this thought is the comparison to a vessel.

The only conscious life forms are in a certain sense only vessels for a precious content. It doesn't really matter when a vessel breaks, as long as there is another vessel that will carry the valuable content just as good.

Singer himself however points out, that this metaphor is not to be taken too seriously, as it is merely a mean to shine a light on the train of thoughts here.

In this sense, under the total view, it is not directly objectionable to kill conscious beings, as long as they are replaced by a new generation of similar beings (that will come into existence precisely because of the killing of their predecessors), that will lead lives just as pleasurable as the lives of the other beings would have been. Through this line of action, the overall sum of pleasure in the world stays the same, even though it may be experienced by different beings. This is the so-called replaceability-argument, which for instance, (erroneously!) often is called on to legitimate the consumption of meat.

But Singer is not satisfied with these results and reflects further about the question, whether only conscious beings are really replaceable like that. He looks for the distinction between the personal and the conscious life form, that explains why the latter is replaceable and the first is not.

Again he arrives at the conclusion, that in accordance with Tooleys theory of the right to live, only those can not be replaced, that are able to comprehend themselves as a distinct entity within a spatio-temporal setting as only these entities can have the interest or preference of continuing their lives and it would be unjust to frustrate this wish, as has been concluded in line with four different argumentations. (see chapter 3.3.1. of this

work)

Only conscious beings, as they do not understand themselves as distinct entities, are “impersonal” in this sense and Singer assumes this to be the crux of the matter, as of why one doesn't inflict any personal wrong on a conscious being, by killing it, especially since this injustice, if it is one, can be compensated by bringing another being into existence, that will lead an equally happy life.

To a conscious being, death merely means the end of experiences, just as birth (or the acquisition of consciousness) has been the beginning of it. As no future directed wishes or interests can be formed, death can not frustrate the preference of continuing life. In this regard, death and birth cancel each other out in conscious forms of existence, as Singer puts it. The states of consciousness a conscious being has, are not connected in a temporal context. If a fish loses its consciousness, it is likely that he isn't aware of his prior existence. Therefore Singer argues, it doesn't make much a difference from the point of view of the fish, if the fishes are killed while unconscious and replaced by the same amount and species of fish, (that could have only been brought to life because of the death of the aforementioned fishes) and not brought back to consciousness after the loss of it.

In the case of self-conscious life forms, where this preference of continuing one's life is essential, death would be a loss, that would be balanced out only highly insufficiently by bringing another self-conscious being into existence. Singer sees this hypothesis confirmed by testing its universalizability.

This dichotomy in regard to the questions of killing however doesn't mean that the interests or preferences of only conscious beings can be neglected, because of this. That would be utterly wrong in terms of the principle of equality. Their consciousness is sufficient reason to integrate them into the sphere of equal considerations, even though this is not equivalent to the personal interest of staying alive.

In regard to the initiating question, whether it is morally wrong to kill conscious life, the answer remains: not directly.

The illegitimacy of pain-free and consequence-free killing only amounts to the reduction of overall pleasure, caused by this act.

In cases, in which the life of the killed being was not a pleasurable one, not direct injustice is inflicted.

Even in the case that a being has led a very pleasurable life, one can have the standpoint, that no injustice is done, as long as the being is replaced by another one of his kind and gets to lead an equally good life.

Following these thoughts Singer advocates a sectoral application of the two variants of utilitarianism. As far as only conscious entities are concerned, the total view should be decisive, in the framework of maximizing pleasure and where replacement should be possible.

In the case of self-conscious beings more factors are involved than just impersonal quantities of happiness and therefore the prior existence view should be the underlying standpoint, meaning, we should primarily consider those entities, that currently exist or will exist (independent of our decision) in the future.

In consequence of these considerations, the killing of impersonal beings can principally be considered legitimate, but only under certain conditions:

-)the animals must be able to grow up and exist in a natural environment
-) they can not be self-conscious
-) the killing must be absolutely pain-free
-) their companions mustn't suffer from the killing
-) the animals are not bred for economic reasons, if they are not food.

(Flury 1999:128)

The fulfillment of these conditions narrows down the allowance of killing animals very heavily in practical terms: Neither industrial keeping nor hunting are legitimized like this. It is only in emergencies, that Singer concedes killing animals to humans.

3.6. Objections and Clarifications

3.6.1. The 4 lines of argumentation

(Flury 1999:160 et seq. and Singer 1996:90 et seq. unless indicated otherwise)

In his critique of Singers theory, Flury points out an oddity regarding his discussion of the supposed special value of personal beings. (see 3.3.1.)

In his Practical Ethics, Singer employs four theories or lines of argumentation to support his hypothesis, that personal beings have a special value. The first two

approaches investigated are utilitarian, however, the following two are theories very different from utilitarianism and as Flury points out, even contradictory to the utilitarian argumentation. Effectively, he says, it should be insignificant to Singer, when other theories arrive at the same conclusions in certain questions as his own, since he holds the others as erroneous anyway. The first two results, concluded by utilitarian deduction clearly are acceptable to utilitarians but the later two are not. Singers call on the ideas of Tooley and Kant doesn't add any strength to his own reflections. Flury sees this confirmed in the fact that in the second edition of *Practical Ethics*, Singer makes an insertion of Hare's differentiation of the two levels of moral reasoning, before presenting the other two lines of argumentation. According to Flury, this move by Singer supposedly has the function to open the possibility for utilitarians, to accept the following results of the non-utilitarian theories.

“As philosophers, or just as reflective, self-critical people, it can be interesting and helpful to our understanding of ethical theory to think about such unusual hypothetical cases. Everyday moral thinking, however, must be more intuitive. In real life we usually cannot foresee all the complexities of our choices. It is simply not practical to try to calculate the consequences, in advance, of every choice we make. Even if we were to limit ourselves to the more significant choices, there would be a danger that in many cases we would be calculating in less than ideal circumstances. We could be hurried, or flustered. We might be feeling angry, or hurt, or competitive. Our thoughts could be coloured by greed, or sexual desire, or thoughts of vengeance. Our own interests, or the interests of those we love, might be at stake. Or we might just not be very good at thinking about such complicated issues as the likely consequences of a significant choice. For all these reasons, Hare suggests, it will be better if, for our everyday ethical life, we adopt some broad ethical principles and do not deviate from them. These principles should include those that experience has shown, over the centuries, to be generally conducive to producing the best consequences: and in Hare's view that would include many of the standard moral principles, for example, telling the truth, keeping promises, not harming others, and so on. Respecting the lives of people who want to go on living would presumably be among these principles. Even though, at the critical level, we can conceive of circumstances in which better consequences would flow from acting against one or more of these principles, people will do better on the whole if they stick to the principles than if they do not.” (Singer 1993:91f)

Disregarding whether we find this differentiation helpful, Singer applies this principle in a field, where it was not intended to by Hare. Hare saw this differentiation coming into play, in situations of everyday moral decisions, which often have to be made under unfavorable circumstances, like time pressing, lack of information or being in an emotional frenzy. When writing a profound, foundational explanation of an ethical

theory however, the way Singer does with his Practical Ethics, it is the example par excellence for when critical reasoning is necessary and absolutely required.

Unfortunately, when Singer reasons that on the intuitive level, Kants and Tooleys theories deliver the same results in practice, this doesn't contribute anything to the matter in question on a critical level, nor does it help to strengthen Singers own arguments.

The following passage makes this apparent:

“Although at the level of critical reasoning a classical utilitarian would accept only the first, indirect, reason, and a preference utilitarian only the first two reasons, at the intuitive level utilitarians of both kinds would probably advocate respect for autonomy too. The distinction between critical and intuitive levels thus leads to a greater degree of convergence, at the level of everyday moral decision making, between utilitarians and those who hold other moral views than we would find if we took into account only the critical level of reasoning. In any case, none of the four reasons for giving special protection to the lives of persons can be rejected out of hand. We shall therefore bear all four in mind when we turn to practical issues involving killing.” (Singer 1993:100)

The discrepancy lies in the equalization of “at the level of everyday moral decision making” and “turn(ing) to practical issues”. Dealing with practical issues doesn't exclude doing this on a critical level, especially when dealing with them on a theoretical basis. This also stands in contradiction to Singers explicitly voiced strong resentment of examining moral problems on an intuitive level.

This may seem like sophistry to some extent, as one can hold against it, that Singers method always examines both, the strict logical consequences an argument has and our intuition about it. Also by making the statement quoted above, it doesn't necessarily mean that he is going to deal with the practical problems on an intuitive level of moral reasoning exclusively.

However Flury does have a point, that it is a rather odd move by Singer, to support his own hypothesis by employing other ethical theories, especially since his usage of the specific terminology is slightly misleading. The notion of a person the Kantian tradition for instance is a very specific one, and it doesn't correspond to the notion of a person as John Lock defined it and is used by Singer. There is no reference to the differences in the definitions or any consideration of whether these different definitions interfere with finding an answer to the question. (cf. Baranzke 2008:114)

3.6.2.Don Marquis: Why the Tooley-Singer theory is unsatisfactory

(cf. Schaler ed. 2009:153 et seq. unless indicated otherwise)

In his essay, "Singer on Abortion and Infanticide", Don Marquis attacks the argument, that it is wrong to kill a being, when it is able to think of himself as an distinct entity with a future and a past and has the wish to continue his/her life in the future.

Marquis gives two examples, that are supposed to demonstrate, that this account has unsolicited implications. He asks us to consider the case of a woman, suffering from depression and wishing her own death. She is able to perceive herself as a distinct entity with a future, therefore meets the requirements to be considered a person, but doesn't have any future-orientated preferences anymore, apart from her death wish. The other example he employs, is that of an individual, who allows somebody to kill him, as he is convinced that when he sacrifices himself to the gods this way, he will be rewarded greatly in an afterlife.

Marquis believes, that according to the Singer/Tooley argument for the illegitimacy of killing of persons, it can be concluded, that it would be permissible to kill them, in Singers view. But since it is clearly wrong to kill these two, the Singer/Tooley approach must be wrong. This however isn't the only problem with the theory. He writes, that Tooleys idea of the wrongfulness of killing persons, is based on the notion of a right, in which rights are based on wishes. As an illustrating example, he mentions that a 2 year old might have the right to get a vaccination, but doesn't wish so. A 6-year old on the other hand, has a right to receive education but doesn't want to go to school. With this, he finishes his critique.

In his response, Singer first addresses the counterexample of the depressed woman. As much as he thinks that Don Marquis judgement, that it would be permissible to kill both the religious individual ready to be sacrificed and the depressed according to the Singer/Tooley argument, is unacceptable and misjudged, he shortly delves into the case of the depressed woman to mark his point. He says, it is not so self-explanatory as Marquis puts it, that it is indeed morally wrong to kill the woman suffering from depression. If a person suffers from very serious long-term depression and all possible efforts to improve her condition over many years have been made without any success, then the persons wish to die is not necessarily unreasonable, but can be a realistic estimation of her situation and the request should be taken into consideration. This would be Scenario A. The other possibility is, that Marquis rather had someone in mind,

who may very well recover from her depression, but is unable to judge her prospects of recovery and future accurately, due to the pessimistic nature of the condition she has. This raises the issue of “harmful preferences” again, which has been discussed in Chapter 2 of this work, although with a different focus. The case of the depressed woman in scenario B, just like the example of the religious individual are cases, in which preferences are based on false beliefs or beliefs that are influenced by mental states like depression that impact the rational consideration of the situation negatively. If a thirsty person wants to drink from a certain bottle with water, but we know that the bottle is actually filled with a deadly poison and do not prevent this person from drinking it, we can not defend our inactivity by saying, that it was the persons preference to drink from this specific bottle. Evidently, the preference was formed on the base of false beliefs, the person would have never had the preference to drink from the poisonous bottle, if he had had the correct informations.

Subsequently, it can be concluded generally, that if a persons wish to die is based on a false belief, there is no justification in acting on it to satisfy the preference.

Furthermore, Singer says, both in his response and in multiple places in his Practical Ethics, that when making moral decisions, we shall base them on the carefully, reflectively chosen preferences, which have been established by taking into account all the relevant facts and informations. (see Singer 1996:200;201;196)

As of how this doesn't necessarily contradict the equal consideration of all interests, has been explained in chapter 2xy of this work. So when a teenager tells us, after he has been dumped by his girlfriend, that he can't live without her, we can not take this seriously or, perish the thought, assist him to act on it, as it is not based on accurate information and “a calm and rational assessment of the situation”. (Schaler ed., 2009:155)

Singer furthermore formulates a new principle, to distinguish between preferences, namely “intrinsic” and “instrumental” preferences. The intrinsic preference is the expression of a desire, that is desired for the sake of itself. Instrumental preferences are those, that merely serve as a mean to satisfy another preference of this kind, or intrinsic preferences.

To illustrate this on the example of the depressed woman in scenario B, her depression causes her to misjudge her prospects of recovery and therefore she wishes to die, rather than continue living like this. But the wish to die is only an instrumental wish, as her

intrinsic preference is to end her suffering, to end the depression. If we rather act on satisfying her intrinsic desires, we will not satisfy her instrumental preference for dying, but do everything possible to relieve her condition.

So preference utilitarianism could be either formulated as:

“We should satisfy, to the greatest extent possible, the preferences a being has, except that we should not satisfy a preferences that results from errors of reasoning or errors about matters of fact” (Schaler ed., 2009:156)

or

“We should act so as to satisfy, to the greatest extent possible, the intrinsic preferences a being has”. (Schaler ed., 2009:156)

Obviously this is just the stance on preferences itself, when dealing with such a difficult decision as voluntary euthanasia, as in the given examples, many aspects need to be carefully evaluated and considered, the (informed, rational and uninfluenced) preference of the person is just one of them. It is questionable however, until what point one can actually know the nature of the situation at hand. How can a third person really assess whether the death wish of a person is to be categorized as scenario A or B, if not a mixture of the two.

The third perspective avoids the problem of a possible misjudgment by the person in question but even though it does not prevent the underlying problem of a possible mislead evaluation of the situation, despite the fact that the third perspective has a more neutral approach to the matter and facts. A moment of inaccessibility and the inability to get a completely accurate picture remains.

3.6.3 The three life forms

(Flury, 1999:157et seq. unless indicated otherwise)

The natural abilities that Singer states as a requirement for personhood, can be encountered in the various species in a multitude of nuances. Even within the same species, varying degrees of manifestation may be possible and even humans pass through these stages, while growing up or in cases of senility. Consequently the wish to continue living can be encountered in many graduations in the totality of beings, starting from the instinct-driven escape from death up until the differentiated analysis of ones own existence. According to Flury, Singer neglects these gradual and probably

even structural differences in the animate nature, by setting up two (sic!) categories for all living creatures. While the members of one group have a right to get their lives respected, the members of the other group are deprived of this “right”. In his opinion it would be more plausible, to regard the different graduations of the wish of staying alive as one element, that gets to be evaluated by the according grade of distinct consciousness.

At first glance, it may seem that Singer doesn't do the variety of graduations any justice, but if we contrast his approach with Flurys own suggestion, it becomes quite clear, that he has reasons for doing so.

If we followed Flurys proposal, we would be forced to create a meticulous list, in which all known species are evaluated and hierarchically structured. But as Flury himself says, there are various degrees within the same species, even in our own. Such a list would be a task with both many practical and some serious ideological problems. Apart from the question, who would be the Highness of defining and evaluating, it is not possible for us (- with a high degree of certainty it would be a human person doing this) to classify the various nuances, as we can only estimate how another being (even human being) thinks and works, and can never have complete certainty about it, or not even the certainty necessary to create such a list. It also seems plausible to assume, that the reasoning/thinking of some species is not even remotely comparable to ours. The base on which such an extensive evaluation would have to take place, is not given to us, since we are not capable of imagining any other system of thinking, outside our own. Admittedly, Singers variant is problematic too, but a lot less than Flurys.

The supposedly “sharp” distinction between the two categories of the life-forms (even though it is not clear which “two” out of the three Flury is referring to), is not that sharp when looked at closely, as the boundary between conscious and self-conscious life form is a very blurry one, as Singer says. The reason being that he is well aware of the different graduations and our inability to classify them, thus suggesting favoring the “mercy of doubt”, when in doubt whether the being in question qualifies as a person or not, in favor of the being, that is. The boundary between the unconscious and conscious life however may be formulated more precisely, as Singer sets the limit right beneath the oyster in his *Animal Liberation*, but actually he placed this limit as low as possible, in order to avoid or at least minimize difficult bordering cases.

3.6.4. The replaceability-argument

3.6.4.1. Replacement

(cf. Flury 1999:150 et seq)

Before Flury discusses specific aspects of the replaceability-argument, he reflects about replaceability in a general way. In the strict sense of the word, “ontologically only that can be replaced, that is identical” (Flury 1999:153, translation by the author of this work), so his assumption. The sensations of only conscious beings however, can not be regarded as identical readily, because even beings without a sense for time, differ individually. Depending on their “temper” or disposition, they will react to the same stimuli differently. He mentions that insects or escargots one could observe that, even though they in principle are predictable in their reactions, react to an identical stimulus differently, which gives reason to believe, that they sense or conceive a stimulus differently. Therefore it seems impossible to Flury, that such sensations are replaceable, since they are specifically characterized by the beings in question. He contrasts this thought by an example of replacement in terms of function, like when hiring for a job for instance. In this case it is irrelevant, whether the individuals are different, as long as they fulfill their task equally good.

Unfortunately Flury doesn't indicate where he obtains the knowledge from, regarding the examples of the escargots and insects or describes them in more detail in order for the reader unfamiliar with the specific tests (if there are any) can make up their mind about the implications of the results. Because without any studies to draw from, I might just claim that the difference in the reactions is caused by the fact, that almost no situation in which a stimulus occurs, can be reproduced identically. Even if the stimulus was regulated mechanically, external circumstances like air humidity or pressure are hardly ever completely under our control and slight differences to us might just make recognizable differences in species like insects for instance, of whose exact functions of perception we have comparatively little certainty about. But this is not the place for wild guesses. It is more plausible to assume, that Singer does emanate his account from understanding beings as functionaries, which is precisely what Flury accuses him of a

few pages later and will be discussed in greater detail in the following chapter. Since Singer thinks in terms of maximizing the sum of pleasure in the world, in the case of conscious beings this accounts to an interchangeability of pleasant sensations. He never claims however, that these sensations ought to be identical, he explicitly states several times that the injustice should be “(..)compensated for by the creation of a being with similar prospects of pleasurable experiences.” (Singer 1993:127) Similar, not identical. Accordingly, Flurys critique that the beings differ individually and therefore their sensations can't be interchangeable is not sustainable, in this formulation focusing on identical sensations.

But he does have a point when saying that the character of the sensation depends on the beings disposition and Singer acknowledges so himself, when he illustrates the replaceability by using the metaphor of the beings being vessels for precious contents:

“This metaphor should not be taken too seriously, however; unlike precious liquids, experiences like pleasure cannot exist independently from a conscious being, and so even on the total view, sentient beings cannot properly be thought of merely as receptacles.” (Singer 1993:121)

In his further deliberations however, Singer never comes to speak of this again and rather evades the issue by seeing sufficient compensation in creating similar beings with similar pleasures. The underlying problem however rather seems to be, that our intuition tells us, that we can not replace an individual being. Just like mentioned initially, it would be very helpful to know how this individuality manifests itself in conscious beings and how much these differences in the pleasures weigh in relation to the sum of pleasures. If we think of a fish, lets say a carp, for instance, it is difficult to evaluate, whether the assumingly comparatively little individual differences between all carps is of moral relevance to the theory. John Stuart Mill would have argued that the more intelligent being has a bigger and more complex capacity for happiness (or pleasures) and therefore these pleasures should be preferred (if we put it into Singerian jargon, it would be along the lines of a person having more elaborate pleasures, which they can value more because of their capability to understand their spatio-temporal setting, but this is just for illustration, he does NOT say that) but Singer explicitly refuses that idea by saying:

“Mill's argument is difficult to reconcile with classical utilitarianism, because it just does not seem true that the more intelligent being necessarily has a greater capacity for

happiness” (Singer 1993:108)

In any case, Singer certainly owes an explanation at this point, as of why the individual differences do not matter.

3.6.4.2. Vessels for valuable contents

(Flury 1999:154 et seq unless indicated otherwise)

Another point of critique by Flury is, that Singer doesn't just advocate the theory that non-personal life can be regarded as replaceable in certain circumstances, but implicitly also the subsequent theory, that not the beings themselves, but rather their pleasant experiences are to be replaced, meaning, that merely the sensations themselves and not the subjects of these sensations are morally relevant. The value of a being therefore only lies in his contribution to the overall sum of pleasant sensations and only this is not allowed to be destroyed.

Concerning this critique it is not quite clear what the punchline is.

Singer seeks to distance himself from arriving intuitively at moral decisions and therefore endeavors to develop and formulate a theory, that rests on a firm logical fundament, secluded from feelings about moral issues, even though he does take them into considerations and examines them on their derivation. Therefore in his theory, there are no formulations like “end in itself” or similar ascribed to beings. (Flury seems to imply some moral demerit in evaluating beings according to their capabilities and not in terms of an inherent value)

As a consequence, he has to develop some meaningful criteria, which allows to determine the moral status of an entity (a procedure which Flury criticizes as well, as discussed in chapter 3.6.1.).

This pejorative interpretation of Singers account however, is not compulsory.

When Flury accuses Singer of not regarding conscious beings, but merely their sensations, one should ask, what is left of a being, if we imaginatively subtract or “think away” their sentience.

Without sensations like loud, warm, cold, bright, soft, etc. that allow an entity to perceive differences in the sensory data they receive from their eyes, ears, skin and so on, (if we can even properly say there is any sort of sensory data when there are no sensations), a conscious being doesn't have any contents of perception and thus no

contents of consciousness. This also applies to persons. The highest degree of intelligence is insignificant, when there is nothing to be processed by it. The sensations are the gate to the world and to consciousness. Therefore it is morally neutral, when Singer attributes value to an entity, based on their capability, or even “function” to experience sensations, as it is what inherently defines their very being. Sentience can not be detached from an entity, therefore if the ability to feel is valuable to Singer, then the being having this ability is valuable to him.

3.6.4.3. Injustice

(Flury 1999:168 et seq)

Flury points out a strange dissonance in the concept of injustice, as portrayed by the replaceability argument. The wrong is done not to the directly affected being, but to an abstract entity, which is the sum of fulfilled preferences.

He quotes a passage by Singer, which contains a grave logical error in reasoning according to him.

“But what of beings who, though alive, cannot aspire to longer life, because they lack the conception of themselves as living beings with a future? These being are, in a sense, 'impersonal'. Perhaps, therefore, in killing them, one does them no personal wrong, although one does reduce the quantity of happiness in the universe. But this wrong, if it is wrong, can be counter-balanced by bringing into existence similar beings who will lead equally happy lives.” (Singer 1993:125)

Flury says, that implicitly Singer assumes that the very same action can be both just and unjust in the same ethical theory.

The killing of a being may be wrongful, but not in the personal sense. By saying that , Singer must mean, that it is a wrong, but it is not wrong against the being, because it would be tautological to say that a personal wrong can't be committed against a non-personal being.

The odd part about it is, that by frustrating a conscious beings preference, we have not done any wrong, but still have to compensate it, by bringing a new being into the world, that has the same prospects of having pleasant experiences. Flury now raises the question, against whom we have committed a wrong, if it's not the killed being. He assumes, that it must be the sum of all fulfilled preferences, an abstract entity, but requests further explanation on behalf of Singer, as of how it is possible, that an action

is not a wrong against an affected being, but in the overall view it is a wrong that needs to be made up for.

As Flury says it is arguable, whether Singer has not actually developed a double standard by setting up the two categories of conscious and self-conscious life, as he seems to develop two fundamentally different axiologies in regard to the question of killing. By using the hedonistic “total view” to legitimate pain-free killing of conscious beings under certain conditions, the account of killing of persons is evaluated by the “prior-existence-view”. The killing of conscious beings therefore gets evaluated from an objective, third person perspective of the sum of pleasures/preferences, while the killing of personal life is condemned for subjective reasons, id est, the ability of a person to comprehend themselves as “unreplaceable, self-reflective and self-conscious individuals”. This jump between these two perspectives of evaluation results in an inconsistency in Singers theory, according to Flury.

However, Singers whole theory always oscillates between the first and third person. From the very beginning of the establishment of his theory, Singer introduces the third perspective in the sense of an objective and impartial “observer”, the so-called “point of view from the universe”, which is an essential thought in his argument for universalizability as a crucial characteristic of moral judgements. Although it may sound odd that an injustice is not committed against the being affected by the action, but rather against an abstract idea, this result is still a valid and consistent moral judgement within Singers theory, as it is impartial, universalizable and promoting the best consequences for everyone involved. The same is true for the evaluation of the killing of personal beings, even though the argument is based on criteria, that supposedly is subjective, according to Flury. In fact it is just as much a result of the impartial third perspective, as it is in the case of conscious beings. Furthermore, this divergence between committing an injustice against an abstract ethical idea and not against a being is often encountered in ethical theories.

Kant for instance held that telling the truth was a principle which had to be followed under all circumstances in order to be acting morally sound, with the strange result, that for instance it would be wrong to save the life of a friend, by lying about his location to a murderer looking for him.

4. Speciesism in practice

Speciesism is apparent in many areas of our life, one of the oldest forms certainly being exploitation of animals for food production. What might have been necessary for survival many years ago, has become a flavorful luxury to the citizens of industrialized societies.

Meat is definitively not consumed for means of survival, increasing food intake or health benefits nowadays. Hundreds of studies have shown that animal meat is not necessary for a long and healthy life, in fact no animal products are (Klaper 2005, Vegan Health Study) when following a somewhat balanced diet of fruit, vegetable, soy and wheat products. Our consumption of meat is merely an acquired habit and a pleasure. An interest, that can not even out the pitiful and agonizing lives of millions of sentient beings that are being bred and slaughtered for these purposes all over the world each year.

But that is just one of many reasons, to be against meat consumption, next to lots of other convincing arguments, as of why this is not an efficient, let alone ideal form of food production.

For example, most animals whose meat is being sold in industrialized societies, have been fattened with wheat, medication and other foods, which we could have eaten directly. This way, only 10% of the nutritional value of the food fed to the animals, is left for human consumption in form of meat. Hence, meat production even decreases the overall amount of available nourishment, rather than increasing it. (cf. Cohen 1995:170) Studies like the Hunger Report even claim, that the 1,4 Billion people in this world suffering from malnutrition (1 Billion in 2009, authors note, cf.

<http://www.fao.org/publications/sofi/en/> 01.09.2011) could be adequately fed with the current food production (as of 1989, authors note) if the whole world adjusted to a vegan diet. (cf. <http://rwkates.org/pdfs/a1989.01.pdf> 1.09.2011)

However, this is only a theoretical calculation, as world hunger is also caused by lack of local prosperity and not global food shortages. In fact several additional measures would need to be taken in action in order to diminish famine.

The evidence of many different studies regarding the negative effects of mass

production of livestock however is overwhelming, as the World Watch Magazine summed up strikingly:

“The seemingly small issue of individual consumption of meat has now become central to the discussions of sustainability. (...) As environmental science has advanced, it has become apparent that the human appetite for animal flesh is a driving force behind virtually every major category of environmental damage now threatening the human future -deforestation, erosion, water-scarcity, air and water pollution, climate change, biodiversity loss, social injustice, the destabilization of communities and the spread of disease” (World Watch Magazine, taken from Marcus 1998:165)

Meat consumption is only one example of highly systemized speciesism. Apart from animal experimentation, which will be our object of examination on the upcoming pages, a variety of other practices seem highly problematic, in regard to the principle of equal consideration of interests. Fur, wool and leather production and trade, hunting, circus, rodeo, bull fighting, zoological gardens and trade of domestic animals need to be mentioned in this context.

4.1. Animal experimentation

4.1.1. The different forms of animal experimentation

The various forms of animal experimentation can roughly be divided into two main categories: on the one hand, the “pure” or fundamental research, which is interested in general insights and on the other hand, applied research, which aims at gaining knowledge and insight into specific problems.

In both categories tests are carried out in the fields of medical, toxicological, military and educational research, whereby overlapping occurs.

The following chapters shall give an orientating overview over the different kinds of experiments in these fields and subsequently, the area in which supposedly the most legitimate tests on animals are carried out, the human medicine, shall be investigated in greater detail and evaluated by means of preference utilitarianism in regard to their moral legitimacy.

4.1.2. Pure Research

Experiments of this kind are largely carried out in academic fields and don't orientate themselves on the solution of specific problems, but rather are interested in general insight. Focal points are the behavior of organisms, as well as their development and function. This manifests itself in many ways when applied to practice: both invasive (id est, interventions by human persons) and merely observing behavioral studies are conducted, as well as breeding and medical experiments. The later for instance involves studies of embryogenesis and evolutionary biology, in which mutants are produced by artificial changes in the the genome (so called gene-targeting, specific genes are either deleted or added). Breeding experiments, like iterated incest of specific species over generations, also usually serve for genetical analysis and the investigation of the evolutionary development.

The regulation of animal experimentation of the animal welfare act in most european countries currently permits animal experimentation, that is necessary and inevitable regarding their purposes. Such purposes are finding cures for diseases, verifying the harmlessness of agents and environmental influences, as well as physiological ongoings and basic research.

Trivially, especially the last point leads to complete arbitrariness as to what can be classified as necessary and inevitable, since every experiment can be subsumed as a necessary and inevitable research interest, as long as what the researcher is trying to observe, is content of the experiment.

This is already one of the crucial points in the framework of animal experimentation: basically everything is justifiable in terms of science, as will be showed later.

First, two examples of strictly behavioral studies shall be employed for further illustration, and later contrasted with examples of pure research in other fields of investigation.

Example A is a behavioral study, which has already been mentioned in Chapter 2, the investigation of the chickens potential for deliberation, conducted by Marian Stamp Dawkins, Professor of Animal Behavior at Oxford University. The chickens, who were taken from a battery farm, were put in a shaft, from which they could perfectly see two exits: one leading back into the battery farm and one leading to a grassland, where they could move around freely. Almost all chickens immediately chose to take the exit

leading to the grassland, but at the latest during the 2nd try -when even the chickens who had only known battery farms until that point knew the pleasures of a grassland- all of them always and by all means wanted to take the exit to the field. (cf. Stamp Dawkins, 1977:1034-1046)

The second example are Harry Harlow's studies regarding the effects of partial, social isolation and mother loss in primates.

Despite many psychiatrists already having acknowledged that there isn't any doubt about it, that perpetual lack of motherly care results in severe impacts on character and therefore future of individuals (which has been concluded on the basis of observing orphaned baby apes and human babies) (see Bowlby 1944,1951,1958) at the time of the beginning of Harlow's studies, he nonetheless decided to investigate this in a particularly cruel way in his own laboratory.

(Harlow et al, 1965.100 et seq)

Harlow and his team separated infant apes from their mothers, in order to imprint them on dummy mothers made of textile, which could be turned into “monsters” on command.

The first of these models was made of fabric and started blowing compressed air with such pressure that “it practically blew off the apes skin” at the press of a button. To Harlow's disappointment, the infant ape only clung to his surrogate mother even harder and the scientists “didn't achieve any psychopathic behavior”. Another dummy was built, that dangled the child so hard it buffeted around and its teeth chattered loudly. Yet with the same result as before, the little ape clinging to his mother with all his strength. The third dummy had a steel frame built into its body, that would sling away the infant from his mother roughly on command. The infant however immediately got up and twined around his mother again, as soon as the steel frame disappeared into its body. At last, they built sharp and pointy brass prickles into the surrogate mother, that would burst out of the front side of its body by the flick of a switch. Even when the infants were desperate about this painful rejection, they always waited until the prickles were gone to cling to their mother again, over and over again. As Harlow himself put it, these results were not surprising, as the only shelter a hurt child has is its mother.

These experiments with the dummies only came to an end, when the researchers had a

“better idea”, according to their own terms. In order to produce real, completely psychopathic ape mothers, they raised female apes in complete isolation in a naked steel cage from an early age on and then tried to impregnate them, when they reached sexual maturity. However, as artificial insemination was not in practice in those days and the female monkeys refused any sort of (sexual) contact, Harlow and his team designed an apparatus called the “rape-rack”, in which the females were tied up in mating position and couldn't defend themselves against the male apes.

Then Harlow observed the females during and after the birth of their child. While some simply ignored their children and didn't breastfeed them as normal ape mothers would, that hear their child crying, they also observed substantially different behavior:

“Not even in our most devious dreams could we have designed a surrogate as evil as these real monkey mothers were. Having no social experience themselves, they were incapable of appropriate social interaction. One mother held her baby's face to the floor and chewed off his feet and fingers. Another crushed her baby's head” (Harlow, Suomi 1976:48)

This is only an extract from their records of his investigations, which served only the mere purpose of general insight into the nature of isolation and mother loss. Harlow may have been one of the first to conduct these kinds of experiments but certainly not the last. At least further 250 similar studies have been realized until this day. (Singer, 1996:77)

The objection that these experiments took place in the seventies and nowadays are executed differently is at hand, but unfortunately, that is not the case. Even after the year 2000, the University of Washington, Wake Forest and the Oregon National Primate Research Center have been performing experiments, that specifically aim at traumatizing young apes, by raising them in isolation and separated from their mothers. Undercover investigators have revealed, that the conditions in these laboratories are still catastrophic. Despite the cruel experiments, the animals don't receive any medical attention or only way too late, they are confined to small and dirty cages and clear signs of psychotic disorders because of the perpetual imprisonment are observable, like cage-circling, self-mutilation and apathetic rocking back and forth. (cf.

<http://www.peta.org/features/onprc.aspx> 10.Aug.11;

<http://www.peta.org/b/thepetafiles/archive/2010/10/04/primate-photos-land-wake-forest-in-trouble.aspx> 10.Aug11; <http://www.peta.org/b/thepetafiles/archive/2008/02/27/Unauthorized-Surgeries-at-UW.aspx> 10.Aug.11)

If one is to evaluate, whether animal experimentation of the nature of pure research, in humanistic studies such as these, is morally acceptable within the framework of preference utilitarianism, one can not give a general answer.

While there is a multitude of arguments at hand in regard to Harlow's experiments, first of all the enormous amount of suffering inflicted upon a group of personal beings out of mere “scientific curiosity”, the example of the chickens is not so clear. Even though the research only aims at gaining insight and not a practical problem, the careful handling and treatment of the animals was unobjectionable: the animals bodily integrity remained untouched and they weren't put under any form of psychological pressure, didn't need to suffer any pain and were treated adequately during the project, being provided with space, water, food, run and social interaction.

The acquired knowledge itself leads to a better understanding of the animals themselves and is relevant insofar, as the welfare of animals is concerned: in the context of animal liberation just as applied problems, like the conditions of battery farming and such. Presupposed these results are used for a more appropriate treatment of chickens be it in raising them, in providing them better medical care, etc. these sort of experiments under these conditions can be argued for very well.

If we take a look at Harlow's experiments, many aspects are evidently problematic: the immense psychological suffering of the apes caused by the isolation, maltreatment and living conditions and their physical suffering caused by either themselves (self-harm and harming each other, which again is a result of the psychological pain inflicted upon them) or via the evil surrogate mother dummy. It is not possible to say, that any of these animals, which are actually persons in Singers sense, ever had a single moment of relief in which they could live pleasantly and just do what apes like to do, as their whole life, from birth to death, was subject of investigation.

All of this, just for a result, that was already common knowledge: the constant lack of motherly care as fatal in a child's development.

In this specific case it is rather easy to deem the experiment as unnecessary, regardless

of the pain and suffering caused, since similar or at least comparable studies had already been conducted by observing orphaned children or apes and there was no reason to believe the results of these studies were questionable, as is evident from Harlow's comment, the reaction of the young apes being of "no surprise".

But how about cases, in which there haven't been any comparable studies so far?

To have a common ground, another example of a behavioral study:

In 1996, E.Zimmermann conducted a research on 27 gray mouse lemurs, which were a species of apes endangered by extinction at the time of the experiment, that investigated the communication between the apes under the influence of castration and the surgical removal of the olfactory organ.

(cf. <http://www.datenbank-tierversuche.de/x-standard/popup.php4?mode=datenbank&&id=77> 04.09.2011)

A summary of the research as given by Zimmermann:

"Male primates have evolved particular displays to advertise male fitness. In nocturnal prosimians it was assumed that such displays (vocal advertisement, marking behaviour) are hormonally dependent and influenced by olfactory cues of a receptive female. To test this assumption mouse lemur males of different gonadal status (males castrated as adults, normal males), or of varying olfactory input (males vomeronasalectomized or bulbectomized as adults) were paired with intact "stimulus" preoestrous females and vocalization, vocal rates, and marking behaviours were monitored. The vocal rate of only one particular vocalization, the "trill" advertisement call, was sexually dimorphic and changed depending on gonadal status. Vocalization rate declined significantly in sexually experienced, castrated males as did their marking behaviour. There was however no significant correlation between either calling rate or marking behaviour and plasma testosterone levels in gonadally intact males. Neither vomeronasalectomy nor bulbectomy had a significant effect on trill calling rate or marking behaviour. Results imply that testicular hormones have a greater impact on advertisement calling and marking motivation than olfactory information of preoestrous females. In contrast to rodents, ultrasonic calling rate seems to be not only dependent on gonadal status, but also on social experience." (<http://www.ncbi.nlm.nih.gov/pubmed/8873238> 4.09.2011)

How is an experiment like this justifiable?

it doesn't seem quite clear, why the merely scientific interest in the exact frequency of advertisement calls in castrated/uncastrated and bulbectomized/unbulbectomized (respective vomeronasalectomized) gray mouse lemurs poses such an important issue, that twenty-seven specimen of an endangered species are torn from their natural habitat and imported to Europe, in order to perform irreversible surgical procedures on them, which will have an influence on their capabilities for the rest of their lives, if they are not killed? (there is no information on the further fate of these apes, but it is safe to say they have not been brought back to their natural habitat in madagascar) Apart from being rather evident even to a layman, that castration and the removal of the olfactory organ will have an effect on the sexual communicative behavior, knowing that sexuality in mammals is largely influenced by hormonal issues, organic and neurological responses (f.i: smells) and heredity, even in higher species, like human apes or primates. there is no hint, as to what makes this knowledge valuable in terms of purpose (treating a disease, treating gray mouse lemurs more adequately, preventing them from extinction, etc.) that would justify the use of these animals, which will have drastic and irreversible effects on their bodies, minds, lives and possibly, their whole species.

If we take a look at this scenario from a preference utilitarian point of view, the experiment would be morally unacceptable. If we assume that the lemurs, which might not be persons like the great apes but certainly sentient beings, would prefer to live their lives undisturbed and in their natural condition and habitats, instead of being caught violently and transported under troublesome conditions for days, where some of the apes die before arrival (see also Jane Goodall or BUAV study) and spend their rest of their lives in a laboratory, where they are subjected to surgical procedures that further influence the quality of their lives constantly, the purpose of mere “scientific interest” would not be enough, to balance out the crossed preferences of these apes.

This would change significantly, if the knowledge gained through the experiment for instance would be of undoubted benefit to the lemurs or apes in general, like the discovery of a biological reason, as of why their population is decreasing. The argument would still be the same, even if we didn't think of lemurs in this case, but chimpanzees, id est, clearly personal beings. It would be a direct injustice if their preference for an undisturbed life in their natural habitat was crossed, for the mere purposes of scientific interest. This preference however could be outweighed by an experiment, that has good prospects of bringing about results that will directly help saving them from extinction.

Looking at this argumentation however, it seems that the boundaries between pure research with no specific goal and applied problem-orientated research are not entirely clear, as the pure research purpose is situated in a bigger picture, which makes the evaluation of necessity and inevitability difficult to judge.

Ursula Wolf suggests to ask two empirical questions, whenever discussing the permissibility of any animal experiment. The first being whether the experiment really is necessary for the purpose or if there is an alternative procedure to getting the desired results and the second is, whether animal experimentation is a suitable tool for the purpose at all.

Asking these two questions in regard to the latest example might not be very helpful, but generally would help reduce the amount of animal experimentation even in the vastly arbitrary field of pure research. Harlow's cruel experiments (and the 250 that followed) could have been easily scrapped not just by pointing out that there actually were comparable studies done already, but also that they didn't need to artificially orphan and depress infant apes, but rather observe these events in nature, like many notable scientists did before. (Jane Goodall and John Bowlby among others) Apart from the fact of course, that the suffering of the apes, didn't bear any relation to the purpose of the experiment.

As most behavioral studies in humanities focus on specific species, the question whether the observation could be made by a different kind than animal experiments, is largely in vain.

In the biological, medical and toxicological field the situation is entirely different, but not less complicated. By far the biggest number of experiments classified as pure research, are conducted in gene technology. (cf. Ammann 2003:42)

Gene technology on animals has been possible for about twenty years and is the reason, why the number of animal experiments rapidly started increasing again, as the potential of research on genetically altered animals seems to be limited only by the limits of the researchers phantasy.

The fields of application encompass a vast variety: starting from genetically manipulating animals, in order to increase their natural production of milk, wool, muscle etc. to exploit industrially, creating hypoallergenic pets, to making animals that produce cheap medication in specific tissues of their body and medical experimentation like animal models of diseases, cloning and xenotransplantation. (cf. Ammann a.

Cimerman 2007:21))

These however are just the dreams of researchers, by which they try to justify their highly questionable basic research in this field. In reality, they are still far from reaching all of these goals,

as the efficiency of gene transfer is still very low. The success in mice is still the highest and makes about 10% of all attempted gene transfers, while the rate in pigs is only 2% and in cattle 1%.

The rest of the animals genetically altered either die before birth or shortly after, because vital genes had been blocked unknowingly. They are often born with severe and unexpected disabilities, as a single gene usually has various functions and researchers usually don't know which other functions are connected, and even those that survive for a while, suffer greatly due to their conditions. (cf. Ammann a. Cimerman 2007:47) Even the US-Institute of the Animal Care and use Committee admits, not being able to predict the results:

“The random incorporation of injected DNA, differing helper genes, and different genetic backgrounds produces a spectrum of phenotypic outcomes, rather than a single, predictable outcome. It is impossible at the present time to predict all of the different outcomes.”

(Melvin B. D. Monitoring of Genetic Engineering Studies,

<http://altweb.jhsph.edu/meetings/pain/dennis.htm>)

To give only one short example for such an experiment, as animal models will be discussed in greater detail in the following chapter, here the story of the infamous super-pigs:

Scientists of the US Department of Agriculture transplanted human growth genes into the permanent genetic code of pigs, in hope to create pigs far bigger and fatter than usual.

The creatures they produced were indeed a bit bigger than their normal counterparts, but above all they were rachitic cripples: they were apathetic, almost blind, cross-eyed, bow-legged, impotent, hirsute, uncoordinated and limped. They also suffered from arthritis, gastric ulcer, cardiac diseases, pulmonary diseases and renal diseases. (cf.

<http://www.molecular-plant-biotechnology.info/transfection-methods-and-transgenic-animals/transgenic-pigs.htm>4.09.2011)

Again, the intense suffering of the animals is evidently opposed to the scientific curiosity and the complete arbitrariness of what can be a legitimate study interest in the field of pure research.

The central question is whether pure advances in knowledge, without a primarily solution-oriented character can really outweigh the sufferings and lives of the animals. Most authors doubt a rational weighing of the choices is possible as it seems impossible to find logically coherent and workable criteria for this specific problem.

The way preference utilitarians can argue and handle the problem shall be discussed in the final chapter.

4.1.3. Applied research

4.1.3.1. Applied medical research

(cf. Sharpe 1988; Ingalls Gay 1966)

As a complete account of all forms of animal experimentation would go beyond the scope of this work, the focal point of investigation shall be the supposedly most legitimate field of research, human medicine. The most customary forms of animal experimentation for medical research can be divided into four major-categories. What they all have in common, is the usage of so-called animal models:

living, non-human animals are utilized for studying and investigating human diseases, with the aim of understanding a disease better, without inducing any harm to people.

a) transgenic animal-model:

the animals undergo specific genetic modification in order to either imitate certain genetic disorders, like cystic fibrosis or chorea huntington or to study diseases, of which is assumed, that they are at least partly caused by genes, like Alzheimers or Parkinson.

The animals used are mainly mice, rats, pigs, sheep, fish, birds and amphibia.

b) animal models of natural disposition:

These studies are conducted on specific species, who are known to be prone to the disease in question. Cats for example play a major role in the investigation of Leukemia or in the development of a vaccine against the Hi Virus, while armadillos are used to study Leprosy.

c) artificially induced animal-models:

the animals undergo various kinds of treatments, in order to induce a specific pathology or symptoms of a human disease. Examples are the increased blood-flow to the brain to provoke a stroke, smashing of the spinal column to study paralysis, administering of drugs and neurotoxines to imitate parkinson.

d) xenotransplantation and xenopregnancy

Xenotransplantation is about the possible usage of animal organs as transplants for humans. The spectrum starts at smaller transplantations of skin tissue to the replacement of whole human organs. The species experimented on are mainly pigs and primates. Xenopregnancy aims at implanting an embryo into an animal of another species. This is meant to be a future alternative to surrogate mothers and supposedly shall also be employed to prevent certain species from extinction.

4.1.3.1.2. Practical Example

Animal experimentation for medical purposes certainly has honorable intentions, but it is only at first glance that they seem justified, as it supposedly improves many lives significantly.

Reality looks different though: the biomedical research is confronted with a series of serious problems, which mark the legitimacy of animal experimentation in medical research as very questionable.

These concerns -apart from the obvious ethical aspects- mainly affect the validity, significance and transmissibility of the experiments.

Many critics argue, that the differences in physique, functionality of organs and metabolism between animals and humans are too substantial, to conclude reliable information. Also the reproduction and simulation of symptoms of a human disease in animals, eventually only leads to distorted results, as the artificial induction excludes a great deal of originating factors, like environment, nutrition, stress, lifestyle, etc.

Dr.Bernhard Rambeck, head of the pharmacological laboratory of the society for research on epilepsy (Gesellschaft der Epilepsieforschung) in Germany, illustrates this in an example from his very own field of research:

(cf. Rambeck, 1990:131et seq.):

Research in epilepsy is mainly carried out in three fields: neurophysiological basic research, anticonvulsant agents and active ingredients until market-maturity.

In all three fields, it is necessary for the researchers to artificially induce epileptic seizures in the animals. The seizures in the rats and cats, who are the main species used for these sort of experiments, are induced in a variety of ways: either by direct injection of neurotoxins, application of penicillin onto the cerebral cortex, by electric shocks over electrodes applied directly into the brain or the cornea, implantation of electrodes into the brain or by applying aluminium gel onto the cerebral cortex, which -similar to the penicillin- leads to cicatrization that causes seizures.

For the genetical animal model, senegalese baboons are used, who have a certain disposition for epilepsy. Thereby the apes are strapped down into the ape rack and epileptic seizures are provoked through photo-stimulation. Also a special breed of mongolian gerbils are brought to epileptic fits in the so-called reflex epileptic model, by being blown at with compressed air or being shaken for 30 seconds in an automatic shaking device.

With the help of these animal-models, researchers study which of the anticonvulsant substances works best, which side effects they cause and how the seizures and substances affect the brain itself. The later however can only be investigated after the killing of the animal.

Nowadays the killing and surgeries like the opening of the skull (in order to implant or apply electrodes and substances) are carried out under anesthesia, but everything that follows is not. The cramp-inducing procedures, the seizure itself, the aftereffects of the former, the side-effects of the substances tested and applied to the cerebral cortex, the pain after the surgery and the seizures, all that happens in full consciousness and without any painkillers, as this would further distort the results of the study. For the animals this means immense suffering, the american society of neuroscience already categorized artificially induced epileptic seizures as category 4: strong suffering/pain. But as Rambeck explicates further, the sufferings of the animals is far from being the only reason for his skepticism regarding animal experimentation: animal models also reduce epilepsy to a mechanistic-materialistic level, which determines the events on a morphologic-physiologic base. Other tremendously important components, like state of mind, psychosomatic relations, situations of stress, adequate amounts of food and sleep, lifestyle, etc. are completely disregarded, just like the preceding and accompanying phenomena of a seizure, for example intense mood swings, psychological changes, etc.

Certain problems encountered in practice, like the medicinal suppression of real, organic seizures leading to psycho-socially caused fits, are not imitable in animal models, neither are the cases of spontaneous self-healing, which occurs in a fifth of all epileptic seizures. Rambeck says that it is possible to induce epileptic shocks in animals, that are somewhat similar to some types of epileptic shocks in humans, but it is always only a simulation, which can not recreate or capture the strongly individual course of the disease in humans.

Rambeck states, that the neurophysiological basic research with animal models over the last few decades has brought about the discovery of a couple of more or less related details, but has hardly been able to give concrete suggestions for the practice with humans nowadays. He concludes: *“Even if there are certain analogies, we are still far from making the experiments with animal models usable for humans, or knowing the actual cause of the seizures”* (Rambeck 1990:137, translated by the author of this work)

In the actual state of affairs, there are only 5 to 6 substances effective in suppressing epileptic seizures in humans. Interestingly, the discovery has been a coincidental one, despite the massive efforts on behalf of the pharmaceutical industry and the universities. Furthermore, they probably would have never reached market maturity, if they had had to undergo the same testing procedure on animals, which are obligatory before admission of a substance to the market today. As subsequent tests on animals have shown, the substance Phenobarbital is highly carcinogen in mice and rats, while Phenytoin only induces leukemia in a specific breed of mice, but not in rats. But as has been definitively ascertained in many widespread studies, these effects do not apply to humans. In return, clinical observations have made very clear, that Phenytoin leads to severe malformation during pregnancy in humans, while this could not be verified in animal tests.

Most classical anticonvulsants are of no use in veterinary medicine, as they are dissipated by the liver into different metabolic products than in humans and in a lot of cases, a lot faster as well, so there is no possibility of reaching a therapeutically effective range of the substance in the blood.

Altogether, says Rambeck, pharmacological data is not transferable from animals to humans or vice versa and he lists a great deal of examples of substantially different effects of certain drugs in the different species. (see Rambeck 1990:140et seq)

In his text, he further explicates which difficulties arise during the development of anticonvulsants until market maturity. According to his own collection of records, that he gathered over the years, the substances in question customarily drop out of the progress for one of these three reasons:

- a) the substance, which has been proven to have an anticonvulsant effect in the animal models, turn out to be ineffective in humans suffering from epilepsy
- b) the substances are taken off the study because they provoke severe side effects in subsequent animal experiments
- c) the substances are taken off the market, because unexpected side effects occur during long-term treatment with the drug in humans, that have not been discovered through tests on animals.

Rambeck closes his explications by pointing out, that factually all substances effective in treating epilepsy have been found by strictly clinical observation of humans and are not the result of decades of animal experimenting.

This is not only the case in the research surrounding epilepsy, but also AIDS or cancer.

Their most significant findings and progresses have not been conducted by animal research (which are being carried out with massive efforts anyway) but rather over pestology, clinical observations of patients, epidemiological studies and in vitro studies with cell cultures. (cf. Rambeck, 1990:182; Gericke <http://www.aerzte-gegen-tierversuche.de/infos/humanmedizin/109-krebs-und-tierversuche-keine-erfolgssstory> 04.09.2011)

In Aids, the discovery of the pathogen by Montagnier and Gallo was made possible only on cell cultures. The testing procedure for antibodies was developed without any animal experimentation, just like the growth retarding effect of AZT (or ZDV) was discovered by in-vitro-studies with human lymphocyte cultures. Also the neutralization or inactivation of the virus with so called soluble CD4-receptors has been developed in vitro.

This is of no surprise, as there simply isn't any "animal model" for the disease, despite very big efforts on behalf of the researchers, pharmaceutical companies and universities.

The problems of the animal models, are the same as with the aforementioned epilepsy. The lack of authentic possibilities of reproducing the diseases, the untransmissibility of pharmacologic data, severe differences in metabolism and function of organs.

The animal models biggest problem in questions of Aids research, is the inability to even infect animals with Aids. Chimpanzees injected with the virus have developed the antibodies against it, but have stayed healthy apart from that and not shown any of the typical symptoms. The vervet monkey sometimes happens to be carrying a virus called SIV (Simian Immuno Deficiency Virus) which is similar to the HIV, but still the animals don't show the symptoms usually connected with HIV in humans. Only rhesus monkey have been successfully infected with the very rare subvirus of HIV-2 and developed a clinical picture, however, completely different to that of the human.

(Rambeck 1990:183)

As for cancer, the picture is very similar. Medicine has been far more successful in evoking cancer in laboratory animals than they have been with Aids, but that is about it, since the different metabolisms of every different species, responds differently to treatments and medications and only rarely shows similarities with humans. (PETA, Wasted Money, Wasted Lives, p.8)

It is widely criticized, that through these animal models, a falsified picture of human disease is portrayed, merely reducing the web of causes to a mechanistic single cause.

The organic or mechanistic causes however are just one in a whole nexus of causes.

This is especially evident in the transgenic animal models of diseases.

The production of these animal models have several difficulties: the specific gene defects assumingly causing the disease in humans, is difficult to detect in animals. Often mere try-and-error procedure is employed, to identify the specific gene. Even if detected successfully, genes work reticular and in unknown relationships of dependence and reciprocation. Also, they often have more than only one function and the deleting or adding of a gene in order to induce a disease, almost always brings about unexpected and unintended side effects, like other genetical errors causing disabilities or other diseases. The biggest limitation in animal models however, is the fact that a lot of human genetic diseases are caused by multiple factors. Often the genetic disposition needs further specific defects in other genes, in order to manifest itself as a disease and/or in reciprocation with other organs. Dr. Amann points out, that only extremely seldomly one can tell by the dna-sequence, what effects this combination is going to have. Last but not least, even in gene defects the lifestyle, nutrition, exercise, etc. play

an important role, as many disease are believed to be only partially caused by genetic defects, as is the case in cancer or Alzheimers.

These are just a few examples illustrating the the biggest problems in the medical research on animals, but they are not limited to these specific diseases but apply to all animal experimentation for medical purposes today, as many widespread studies on this matter confirmed.

A study conducted by Lindl, Völkel and Kolar in Germany in 2005, titled “Animal experiments in biomedical research, an evaluation of the clinical relevance of approved animal experimental projects”, investigated all approved applications to animal experimentation from the years of 1991, 1992 and 1993 that have been classified as successful, over a course of ten years.

They researched the “frequency of citation, the course of the citations, and in which type of research the primary publications were cited: subsequent animal-based studies, in vitro studies, review articles or clinical studies”. (Lindl et al 2005:143) The interest of their investigation was, whether the scientists reached the postulated goal of contributing to the development of a new therapy or at least achieved results with some sort of direct clinical impact.

The results were disappointing: clinically orientated citations of these studies were found and formed about 8% of all citation in the respective texts, but only in 4 studies out of over a hundred (0,3%) a direct relation between the results of the animal experimentation and the clinical studies could be established. But even in these cases, the hypothesis was of no contribution to the clinical therapy, as either no therapeutical effect could be confirmed or the results in the animal experiments even contradicted the results from humans in clinical studies. (cf. Lindl et al 2005:143 et seq)

Another study from the United Kingdom by the Group for Reviewing Animal Trials Systematically brought about very similar results. In their study published in 2004, they conducted systematic reviews of animal experiments and compared their results with their clinical equivalent. Since, as the researchers of this group say, most animal experimentation is justified by emphasizing the importance of informing clinical studies through preceding animal tests, the specific object of investigation was the success in

this point.

The results confirmed, what has been said so far: the animal experiments could not only not contribute to the clinical medicine, but even were disregarded in many a case, which makes it evident, that even most researcher do not believe in the results of animal experiments anymore. (Pound et al, 2004:516; see also: Shanks et al. 2009)

They, along with all conductors of similar research, strongly call for further urgent investigation of the validity of animal experiments and pursuing different promising means of research.

4.1.3.1.3. Animals used in teaching

(cf. Singer 1994:122 et seq. and <http://www.aerzte-gegen-tierversuche.de/studium>)

Another aspect is the usage of animal experiments and exercises on the living animal during the course of studies, which could be described as sneaking indoctrination.

Students of human medicine, veterinary medicine and even psychology are confronted with experiments and exercises on living and dead animals throughout their studies.

Most of them however are unaware of this at the beginning of their education and it is consequentially difficult for them, to speak up against these methods or refuse them, when their studies mean everything to them and they have already invested a lot of time and energy into it, especially when these methods are presented as common practice and obligatory for passing the courses successfully. In the worst case, students that refuse to follow these procedures are forced to give up their studies. But even after graduation the pressure continues, if they happen to aim at further qualifications in a field of expertise, that commonly experiments on animals. They will be urged to invent their own experiments and write their doctoral thesis about it. Once one has let oneself in on this habitus, for many it becomes a slippery slope one can not get off anymore, as one conditions oneself to an “ethical blindness”, as Don Barnes formulated it, by treating oneself with professional successes. When these people start having students themselves, they continue teaching what they have been taught and force the same procedures onto a new generation of students and so on.

For aspiring medical doctors, especially surgeons, the usage of animals, both dead and alive is largely inevitable. Many institutes still don't offer the technology available, that allows real-time simulation of surgeries and rather have their students experiment on anesthetized pigs. As many surgeons have noted sarcastically, the only things students learn in these trainings, is how to operate on pigs, but not on humans. The only way of

learning surgical procedures is over assisting many surgeries with experienced surgeons and gradually starting to take over little parts of the surgery under the supervision of competent experts. In the last decade, technology also improved to such an extent, that surgery simulators manage to reproduce extremely realistic surgery situations, rendering the use of animals for surgery superfluous. Unfortunately, animals are not only used as a training ground for aspiring surgeons, but are employed for the most trivial demonstrations. Be it for the mere purpose of seeing a real animal cut open instead of only watching videos and photographs or showing the functionality of the body, like for instance, muscular mechanics, that could easily be demonstrated on any student and not on a frog.

4.1.4 The three R's

Due to the rising pressure from the opponents of animal testing and the increased awareness of the public, the industry employed the idea of the “RRR” - Replacement, reduction, refinement- as developed by the scientists William Russel and Rex Burch in 1959, in their publication “The principle of human experimentation technique”, in which the scientists explained in a clear and comprehensible way, how animals can be protected from misuse by humans, in regard to Animal Experimentation.

The RRR implies that animal experimentation in principle is a reasonable research method, but out of consideration for the animal, they should be utilized as little as possible. According to this theory, the number of animal experiments shall be reduced over time, the stress inflicted upon the animal shall be as small as possible and animal testing in general shall progressively be replaced by painless methods. (cf.

Rambeck 1990:236; Bekoff 2001:143)

As many opponents criticize, this may seem plausible to the layman, but is absolutely unsatisfactory for those seriously trying to disestablish the unnecessary suffering of laboratory animals.

This is why:

The R of Reduction aims at reducing the number of animals used in experiments, however, many believe that this is merely a sham, as the industry has always been interested in keeping the numbers of animals as low as possible or rather using cheaper species, for economic reasons, as experimental animals are costly in acquisition and maintenance.

Furthermore the reduction of victims doesn't make a wrong less wrong.

Taking the highly agonizing LD 50 test as an example, where the lethal dosage of a toxic substance or radiation is ascertained by observing from which dosage on, fifty percent of the tested animals die (without any painkillers or other medical treatment, in order not to influence the result), that has been modified- after serious pressure from the public- in a way, that comparable statements can be made with less animals. However, the minimum amount of testing animals is ten of each sex

(<http://oacu.od.nih.gov/ARAC/iraclld50.pdf> 05.09.2011), but it needs to be taken into consideration that the toxicity may need to be tested in different ways: orally, by inhalation, by injection, general exposure or absorption over the skin/eyes.

As acknowledged by scientists, the Ld 50 is unreliable and the results vary a great deal between the individual testing institutions. This is caused by factors like using different species of animals, environmental changes, genetic characteristics and they way the experiments are conducted. Furthermore it determines acute toxicity only and doesn't regard chronic toxicity at all, meaning only the deaths are taken into consideration, but not results that are just as serious, like brain damage for instance. The variation in the results differs greatly from species to species and it can never guarantee-just like any other animal experiment-, that a substance that is safe for rats and pigs, is really safe for humans as well. (Hogdson 2004:338)

In regard to the unreliability of the results, the immense agony the animals are put through and the fact, that there are alternatives to these testing methods (cf. BUAV 2005:5) it is evident, that reduction alone is not enough.

The R of Refinement aims at reducing stress, pain and suffering in the animals used, but as critics say, this serves the personal interest of the pharmaceutical industry anyway, as the bad reproducibility of results is often a direct consequence of the stress situation of the animals.

Therefore it is suggested, to use narcotics or lethal anesthesia, when conducting painful experiments. Unfortunately, most experiments can not be conducted under anesthesia, without completely falsifying the results. (see seizures in epilepsy in the foregoing chapter, also LD50)

The R of replacement aims at replacing toxicological and screening tests through testing procedures, that are conducted on matter insensitive to pain. Studies with cell cultures

and isolated biochemical systems, analysis of physiochemical structure-activity-relationships, computer simulation etc. are all procedures, that are more reliable and significantly more reproducible and diagnostically conclusive than animal experimentation. Once established, they will also be far cheaper than the experiments carried out at the moment. (cf. Rambeck 1990:238)

This is the point that would satisfy most critics of animal experimentation, but it can involve testing on isolated organs or tissue of killed animals. This however poses basically the same problems as the in-vivo experiments, that are conducted on anaesthetized animals, like the questionable transmissibility of results from animals to human and the ethical problem the general killing of animals for human purposes states.

4.1.5. Animal testing in human medicine and preference utilitarianism

Based on the explications of the foregoing chapters regarding the theoretical foundations of the theory and the way animal experimentation has been conducted until today, the general equation is rather simple.

The interests of millions of sentient and/or personal beings each year, along with astronomic amounts of tax money of each and every one of us, bear no relation to the vanishingly small amount of contribution to the clinical studies, not to mention actual therapies and remedies, the conducted experiments result in. Especially not, when more promising alternative testing methods are available and/or in development.

The equation is so pellucid, we don't even need to employ preference utilitarianism to support the argument against it. This however doesn't mean, that there aren't animal experiments, that could not be justifiable within the preference utilitarian theory.

In the past the debate regarding animal experimentation has been largely misled by the absolutization of the problem, by posing questions like: would the opponents of animal experiments rather let thousands of people suffer from a terrible disease, which could be cured through an experiment on a single or a few animals?

This question is only hypothetical, since it has never occurred once in history, that a series of testings on a handful of animals has delivered revolutionary results, not to mention cured a disease.

In full consciousness of the hypothetical status of the question, the answer of an utilitarian must be no. Even in regard of the equal consideration of interests, it would be

absolutely legitimate to allow testing on a dozen of animals, if these experiments really saved thousands of human (and possibly non-human) animals or at least made their lives significantly better.

That is, however, only true, if one doesn't believe in absolute rights. When a defender of animal rights in the strict sense of the word believes, that sacrificing a being (regardless whether it is a human or a non-human animal) to the benefit of another being is wrong, then the experiments from the hypothetical example should not be conducted.

Singer himself suggests a hypothetical counter-question, when confronted with the common, though misinformed argument of animal experiments supposedly saving millions of lives.

Would the same researchers conduct the very same experiment on human animals with severe, unrepairable brain damage and no relatives, that actually might be even less capable of suffering and understanding what is happening to them? It is important to note here, that Singer is definitely not suggesting to actually experiment on brain-damaged humans. The point he is trying to make is rather, that most people would be appalled by the thought of experimenting on humans, even if they are in an irreversible condition, that lowered their capabilities to both suffer and experience pleasure, as well as perceive the ongoings around them, below or equal to those of the animal in question for that experiment. This however is a direct form of speciesism, as the willingness to rather perform agonizing experiments on otherwise perfectly healthy non-human animals, than on a severely and irreversibly brain-damaged orphaned human who would suffer far less and bring more accurate results on top of everything, then this is based on nothing else but partiality to the benefit of ones own species.(cf. Singer 1996:97)

Whenever researchers claim, that their experiments are important enough, to justify the utilization of animals, one should ask, whether they are willing to conduct the experiment on a human whose mental and sensational capabilities are equal to those of the animal designated for the testing procedure. As the speciesist prejudice is unjustifiable, no experiment can be justified, if it is not important enough to even justify the use of a severely brain-damaged human. By using this criterium, todays number of animal experimentation would be drastically reduced, as Singer believes.

As he points out, this wouldn't be an absolute principle, which is not problematic for him as he isn't trying to postulate an absolute prohibition, as these usually fail in extreme situations. (Singer 1994:142) As much as he is opposed to the idea of

conducting experiments on both human and non-human animals, hypothetically, there might be situations in which they would be justified. For instance, if it really was possible to save hundreds of lives, by conducting one experiment that would really cost only one life, then it can be justified, to sacrifice this one life. However, cases like that are extremely rare to inexistent and in regard to the animal experimentation performed in the past and nowadays, hardly any of them would have even gotten close to such a scenario.

If we think of animal experimentation as it is carried out today, especially in a great majority of the cases subsumed under basic research, where the direct benefit of the acquired knowledge is not entirely clear or can not be predicted, we are situated in a gray area between the ideal and the worst case, where it is terribly difficult to evaluate the possible legitimization of an experiment.

In a sense, even though Singer tries to avoid the postulation of an absolute principle, his suggestion for a criterium basically is one. If animal experimentation is only justifiable in crystal-clear cases where the benefit is direct and immediate, cases which hardly ever occur, then the whole spectrum of animal testing, which might vary from arbitrary to pretty close in the long run, are excluded. This observation however is not necessarily a critique, it is precisely what has been applied to the marginal cases between personal and non-personal beings: the favor of doubt. To the benefit of maintaining the sum of overall pleasure and pain, rather than risking increasing the amount of suffering if the experiment fails.

In regard of the current and immense suffering to largely no avail however, the discussion of possible bordering cases must be regarded as secondary, These can be evaluated and reflected upon, once the current abuses and nuisances are stopped.

4.1.6. Résumé

Yearly roughly 115 million animals are being used for research experiments (Taylor et al. 2008: 36; 327-342) and billions of Euros are spent on these researches, with very limited useful results, as both studies and factually accurate historical analysis has shown.

This is not to belittle the notable scientific progress, that has been made over the decades and that resulted from animal experimentation in one way or another.

Discoveries and break-throughs have been achieved, however, it is largely disputed whether the discoveries made were actually the result of decades of systematic experiments or merely accidental as some opponents, both scientists and layman, claim. This controversy however can not be discussed in detail at this point and is also largely speculative, as we can not estimate, where medicine would be today if it hadn't been for animal experimentation.

But regardless of the controversy, the three major points of critique in conducting biomedical experiments on animals are blatant and to be taken seriously:

a) as most human diseases do not occur naturally in animals, they are forcefully inflicted on them. This is achieved by surgical procedures, intoxication or gene-targeting.

These methods however can not recreate the disease the way it usually develops in humans, it merely mimics the symptoms, or, as is the case in gene-targeting, is only an insufficient, try-and-error procedure with severe side effects. As the differences between human and animal physiology and psychology are vast, animal experiments do not allow definitive conclusions for the human case.

b) the reductionist approach to complex, living organisms, distracts medicine from its primary task to prevent and heal diseases and rather gives too much importance on reducing symptoms. Animal experiments can not contribute to gaining insight into the real causes and psychosomatic relations of diseases, neither do they allow to gain knowledge how to prevent them and how the healing process takes place.

c) the most fundamental ideas and ideals of both humane and scientific thinking and acting, especially in medicine are betrayed, by the conditioned ethical blindness, in which deeply sentient beings are degraded to disposable instruments and are being tortured and killed by the millions.

In consideration of these facts, the question arises, why animal experiments are still carried out in such a manner until this day, where many alternative testing methods have proven to be far more successful, less costly and less cruel than the standard methods. The alliance of doctors against animal testing (Ärzte gegen Tierversuche) name a few reasons for the perpetual use of animals in human medicine:

Animal experiments serve the pharmaceutical industry, as it is their economical interest, to develop more new medication, without having to bear the liability risk. The animal experiments serve as an alibi in the case, a drug has unforeseen and unwelcome side effects. If the manufacturer can show the drug has been tested on animals without showing any sign of these side effects, they are not liable.

These animal tests also are supposed to evoke beliefs of the safety and harmlessness of pharmaceutical products in the consumer, while the supposed effectiveness of the drug takes the responsibility for his health off the consumer. (I don't need to have a healthy and balanced diet, I can just take some vitamin pills and get medication for my nutritionally caused high blood pressure...)

Also, animal experiments are a great opportunity for publications by scientists, trying to push their career forward, as they are an easy way of to distinguish oneself, professionally.

Preferred financial funding for animal experimentation, are a further factor, making them attractive. Last but not least, there is a whole industry surrounding animal experiments, like providers of animals, food, cages, etc. who all profit from the testing. Also, habit and routine are not to be underestimated, when it comes to the question, as of why animal experiments are still being held on to.

In regard to the future, Peter Singer probably is right, that as long as there is speciesism, there will be animal experimentation.

With growing public consciousness the pressure has become high enough to begin with the first modest changes, but the process of abolishing animal experimentation will be a long one.

The first successes like the new (2009) regulatory for cosmetic products in the EU (http://ec.europa.eu/consumers/sectors/cosmetics/documents/index_en.htm) coming into effect in 2013 or the prohibition of experimenting on primates in some countries (Austria, Netherlands, New Zealand, Sweden, Japan) hopefully are a characteristic of a beginning change in thinking.

As far as biomedical research is concerned, it is crucial to start making the public transparency of animal experimentation obligatory and begin redistributing research funds to the benefit of the development of alternative methods and experiments conducted via these relatively young procedures. The animal experiments must be

reduced to a minimum and undergo much stricter requirements and controls by ethical review committees until they can be replaced for good. The efforts of educational work for the prevention of avoidable diseases and the promotion of a healthy, animal-friendly lifestyle need to be stepped up and encompass the masses.

Concluding observations

Bertrand Russell once said, that philosophy was the practice of proceeding from premisses, that didn't even seem worth stating and consequently developing them further by logic, so the result one has at hand in the end, is so unconventional nobody will want to believe it.

Over the course of this work, it has emerged as crystal clear, that Peter Singer precisely follows this requirement in the establishment of his ethical theory and consequently follows his rational arguments where they lead him, regardless of whether this brings him to a minefield and whether he rips unassailable doctrines from its moorings by this procedure.

His theory is inherently consistent, well thought out and rationally argued for from beginning to end, despite some ambiguities left open in regard to the practicability of the system. Nonetheless both his theory and persona have been largely disputed over and even met with hostility and condemned. These discussions have not been lead by philosophers only, but many theologists and representatives of people with disabilities, amongst professionals of other sciences.

A great part of the so-called criticism well-covered by the media, were made of quotes taken out of context, which resulted in outrageous accusations, like the claim that he argues for using disabled people for cosmetic or medical experiments instead of animals, which is not even remotely his intention or even message of his ethical theory. Another big part of the criticism came from a religious background, which mainly argued by mystically rooted assumptions that couldn't overthrow Singers position, as in good, philosophical tradition, a theory must be proven unsound within its own premisses.

This is one of the advantages of Singers theory, as it is completely secular and rationally founded. Thanks to his deliberations regarding the consideration of interests, he prevents his own theory from running the risk of spilling out the strong impartiality and foundational pathocentric argument into an undifferentiated biocentrism as well. However, despite the rationality and pellucid argumentation, as well as the knowledge of most people, that for instance, the consumption of meat and fish causes terrible suffering to a lot of beings and leads to fatal consequences for human and non-human

animals, only a small percentage of the people feels compelled to changing their lifestyle accordingly. This brings us to two important questions: “Why am “I” ought to act morally?” and “Why should “I” accept Singers premisses?”

The first question has been largely disputed over in the philosophical context. At times the question has been rejected as unanswerable, at other times it has been tried to argue that rational thinking is necessarily moral, then it has been claimed that acting morally is a self-interest and then the claim of acting morally has been appealed to the sense of duty. None of these theories were defensible.

Rational thinking can not be moral reasoning at the same time, as unethical behavior can be rational as well and the appealing to a sense of duty on the other hands is a two-edged sword. Sense of duty implies carrying out duties for the sake of it, without reflecting on the content and just taking over notions of what is established as morally good. That this can have absolutely inconceivable consequences, is particularly evident in the “apology” of war criminal Adolf Eichmann in his trial, in which he explains his involvement in the killings of 6 Million Jews by stating he was merely doing his duty. (cf. Arendt 1986:99)

The argument that ethical actions lie in everyones self-interest, has been rejected by many philosophers by arguing, that self-interest itself is not ethically sound and therefore can not be employed as a motivation for truly ethical behavior.

However, this is not a compelling view. Despite of some extreme situations, one has to assume, that any altruistic action, is in some sense “good” for us, be it because we feel better about ourselves afterwards, we simply enjoy helping others or there is some other benefit for us in it. It doesn't necessarily mean that the action has been motivated by the consciousness of knowing that one will feel better or get a reward afterwards, but it is always part of an ethical act in some way.

The necessity of moral thinking and acting seems to be twofold to me:

On the one hand, self-interest is a fundamental motivation for any action. It would be rather foolish to assume, that an individual doesn't make a defining difference between himself and any other person and is not primarily concerned with his own interests. Our empathy, concern and even compassion for other people do not contradict this. In fact it

is precisely this ability, that allowed for the evolutionary advantage of forming groups and acting community-oriented, to sustain elemental self-interests of everyone in the affiliation. Moral action is rooted in self-interest and has been a defining factor in the survival of the species homo sapiens.

Herein also lies the reason for accepting Singers equal and impartial consideration of interests: he sets the initial point for his own ethical theory, at the same point, where all motivation for action comes from, and where ethical thinking and acting started as well. (Self-)interest.

By now the living environment of human animals has drastically changed, largely because of the human race and its progresses itself, which consequently calls for a progress in our moral thinking and acting as well. Obviously, for a human animal, the (self-)interest lies in his own survival and that of his fellow man, but the moral sphere needs to be expanded. Just like man needed his fellow man a long time ago, humans now need to acknowledge, their need of their fellow non-human and the living environment of both. Humans can not tolerate any longer, that whales are on the brink of extinction or that the waters of the world are overfished. If we think of the fact that all life (including plants) originated in the water, it becomes clear why it would be so fatal, if whales really did cease to be: The whole ecosystem of the oceans would be irreparably brought out of balance and consequently this would have effects on the dry land and subsequently on the whole atmosphere, making the living conditions on this planets perpetually worse. (cf. <http://www.iwcoffice.org/conservation/environment.htm> 11.09.2011) Admittedly, this is a worst-case-scenario, which the current generations will not live to see, but this is only the consequence of the killing of whales.

Additionally, humans are involved and responsible for many troublesome practices endangering the planet and all its inhabitants: CO 2 emission, deforestation, radioactive waste, plastic waste, overfishing, air and water pollution, wasting of nutrition, water, air and acreage through livestock farming are just a few of the most prominent ones. Since the industrial revolution the environmental pollution has massively increased (cf. <http://www.ecology.com/2011/09/18/ecological-impact-industrial-revolution/> 11.09.2011) and could have been prevented, if only our ethical concerns had been adjusted to the progress in other fields and the consequences considered in a timely manner.

Admittedly, the lack of knowledge has been influential on this matter, but it has long been due to modernize the ethical thinking and especially translating its implications encompassing into practice.

In regard to this argumentation of self-interest and the employed example one can still ask: why should I act morally, even though I will never live to see the effects of either the “good” or the “bad” behavior?

There are at least two possible answers to this:

On the hand, one can refer to the evolutionary advantage again, which has been achieved by the community-oriented way of acting, which was some basic form of ethics and is the reason why individuals now are in the position of wanting to exclude themselves from this “contract” and therefore are in some sense in an “evolutionary debt” to their ancestors, clearable to the descendants, but is unlikely that anybody will find that compelling.

The other answer is, that it simply isn't true that one will not live to see the effects of ones moral or amoral behavior. Disruptive events will only be observable over a longer period of time, but the comparatively small impacts are very well noticeable even in the lifespan of a human. Since the industrial revolution, the most common causes of death in the industrial states have been cardiovascular diseases and cancer, whereas infectious diseases have decreased. This is explained by better treatments for infectious diseases, improved hygiene and by the environmental and living conditions. Furthermore there has been a significant increase in diseases, that have been unknown until then: Diabetes Mellitus, high blood pressure, adipositas, gout and allergies.

The undisputed causes of all these diseases are the same: consumption of too much sugar and animal fat, environmental toxins, smoking, etc. The increased availability of these products is in direct proportion to the increased occurrence of these diseases (cf: <http://www.berlin-institut.org/online-handbuchdemografie/bevoelkerungsdynamik/faktoren/sterblichkeit.html> 11.09.2011) which makes it evident, that the impacts are indeed noticeable rather fast. Also the dosage and usage of penicillin in humans has changed significantly, since it has been started to feed it preventively to animals brought up in factory farms. Not only has it made some pathogens resistant, also the constant intake of rests of the medication over the consumption of meat has caused antibiotics to be much less effective in humans and requiring a higher dosage for the same therapeutic effect. (cf. <http://www.helmholtz-muenchen.de/fileadmin/FLUGS/PDF/Themen/Krankheitsbilder/Antibiotika.End.pdf> 11.09.2011)

The list of such examples is long.

Unfortunately humans are known for being quite unsusceptible for logical and proven arguments when it comes to their habits, as millions of smokers, most of them knowing how harmful their behavior is, do not quit anyway.

This problem is not caused by a deficient philosophical ultimate justification, but rather by the nature of humans themselves and there is reason to believe this is the case with other practical issues in ethics as well.

The second, so far unmentioned, reason which might be suggestive for moral action, lies in the function of ethics in its meaningful element, which again contains an aspect of self-interest.

Nietzsche already condemned the belief in truth, god or an afterlife as an expedient to the senselessness of all existence. But even he acknowledged that if we don't believe in anything, we still believe THAT, rendering the human as incapable of living without an idea of "sense".

Nowadays, humans are chasing after the sense of modern life, called "happiness".

Some think they will find happiness in a marriage and many children, others think it lies in professional success, others believe they will be happy when they reach a certain sum on their bank account. Happiness however, is a very fugitive feeling. Consider an individual A, working tirelessly for 20 years to achieve his dream of saving a specific sum of money and then quitting his job. Is this person really going to be happy for the rest of their permanent vacation of a few decades, once he has fulfilled his dream?

Probably not. Maybe he will think, that only 5 years of more work and money will bring him extra happiness. Maybe he will realize after a period of time, that he could be far happier if he managed to put together the biggest stamp collection of all time.

In any case, his "happiness" will not last, because everything that defined his life and gave sense to his actions (the goal of doing xy), has disappeared and therefore he will quickly come up with a new goal and start working towards it, so it can make him happy in the future.

Singer now says, that leading an ethical life can be an important tool and goal for a meaningful life.

Admittedly, the choice for an ethical life as a sense-giving element is just as legitimate as the choice for collecting stamps, cars, women or money. But once an individual becomes aware of his situation in a global context, collecting stamps and such will not

be sufficient anymore to give sense to his life. Then a need for a broader purpose arises, a purpose exceeding our interests and our limited states of mind, something that allows us to look at our life as something meaningful.

Ethical thinking and acting would be the thing to do when looking for such a purpose, as Singers says, and would also have the advantage of never being able to outgrow this purpose. (cf. Singer 1996:404 et seq.)

This makes sense, although again, it doesn't provide us with a compelling reason, as of why to act morally and it might not even be possible to give such an ultimate justification for morality.

It is questionable though, whether this ultimate justification is even necessary. Just like probable serious health damage actually is a good reason to stop smoking, the self-interest of leading a good (as in healthy, stable relationships etc.) and meaningful life is reason sufficient enough for the adoption of an ethical lifestyle.

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